

1 STATE OF TENNESSEE  
2 ELEVATOR AND AMUSEMENT DEVICE SAFETY BOARD

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8 QUARTERLY MEETING OF THE  
9 STATE OF TENNESSEE  
10 ELEVATOR AND AMUSEMENT DEVICE SAFETY BOARD

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17  
18 March 5, 2019

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21  
22 **ORIGINAL**

23 -----  
24 CASSANDRA M. BEILING, LCR# 371  
25 STONE & GEORGE COURT REPORTING  
2020 Fieldstone Parkway  
Suite 900 - PMB 234  
Franklin, Tennessee 37069  
615.221.1089

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1 APPEARANCES:  
 2 Robbie Fox, Chairman  
 Fixed Amusement Device Representative  
 3  
 Chris Farmer  
 4 Elevator Inspector Supervisor  
 5 Mike H. Hardy  
 Amusement Device Manager  
 6  
 David Hale, Board Member  
 7 Tennessee Fair Association Representative  
 8 Kelly O'Connor, Board Member  
 Public at Large Representative  
 9  
 Larry R. Moore, II, Board Member  
 10 Owner and Lessees Representative  
 11 Lewis Moorers, Jr., Board Member  
 Public-at-Large Representative  
 12  
 Mitch H. Rader, Board Member  
 13 Insurance Company Representative  
 14 Victor LaPorte, Board Member  
 Manufacturer Representative  
 15  
 James Roy Pope, Board Member  
 16 Traveling Amusement Device Representative  
 17 Kim Y. Jefferson, Esq.  
 Assistant Commissioner, State of Tennessee  
 18  
 Dan Bailey, Esq.  
 19 Legal Counsel, State of Tennessee  
 20 Lynn Kirby  
 Board Secretary, State of Tennessee  
 21  
 22  
 23  
 24 \*\* Reporter's Note: All names are spelled  
 phonetically unless otherwise provided to the  
 25 Reporter by the parties.

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1 \* \* \* \* \*  
 2 CHAIRMAN FOX: Ladies and  
 3 Gentlemen, we'll go ahead and call the March 5th,  
 4 2019 Elevator and Amusement Device Safety Board to  
 5 order.  
 6 Sir, we're glad to have you here and  
 7 we're honored that you came. We're also glad to  
 8 have Ms. Kelsey, in the back.  
 9 The first thing we'll do is start  
 10 with introductions, and because you're sitting at  
 11 the end of the row, it's your turn.  
 12 MS. KIRBY: All right. I'm Lynn  
 13 Kirby. I am the board secretary.  
 14 MR. HARDY: Mike Hardy. I manage  
 15 the Amusement Device Unit.  
 16 MR. FARMER: Chris Farmer. I'm  
 17 representing the Elevator Unit.  
 18 MR. MOORER: Lewis Moorers,  
 19 member-at-large.  
 20 MR. LaPORTE: Victor LaPorte, board  
 21 member.  
 22 MR. HALE: David Hale, board  
 23 member.  
 24 CHAIRMAN FOX: Robbie Fox, board  
 25 member.

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A G E N D A

1 I. Call Meeting to Order  
 2 II. Introductions and Announcements  
 3 III. Pledge  
 4 IV. Adoption of Agenda  
 5 V. Approval of the December 4, 2018 Minutes  
 6 VI. Elevator Unit's Report  
 7 VII. Amusement Device Unit's Report  
 8 VIII. Old Business  
 9 \* Elevator Sub Committee Update  
 10 \* Amusement Device Subcommittee Update  
 11 IX. New Business  
 12 \* Variance - Elevator Unit  
 \* John Sevier State Office Building  
 \* KONE  
 13  
 14 X. Open Discussion Items:  
 15 \* Licensing Elevator Contractors and  
 Individuals Performing Work on Elevators  
 16 \* Scheduled Meeting Dates for 2019:  
 \* Tuesday, June 4th  
 \* Tuesday, September 24th  
 \* Wednesday, December 4th  
 17  
 18 \* Division's Update on Jurisdiction Online  
 for the following programs:  
 \* Elevator Unit  
 \* Amusement Device Unit  
 19  
 20 XI. Announcement of Next Meeting- The next  
 regularly scheduled meeting of the Elevator  
 & Amusement Device Safety Board will be held  
 21 at 9:00 a.m. (CST) on Tuesday, June 4,  
 22 2019 at the State of Tennessee Department of  
 Labor and Workforce Development building,  
 23 located at 220 French Landing Drive,  
 Nashville, Tennessee.  
 24  
 25 XII. Adjournment

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1 MR. RADER: Mitch Rader, board  
 2 member.  
 3 MS. O'CONNOR: Kelly O'Connor,  
 4 board member.  
 5 MR. MOORE: Larry Moore, board  
 6 member.  
 7 MR. POPE: James Roy Pope, board  
 8 member, and I represent the carnivals in the  
 9 state.  
 10 MS. JEFFERSON: Kim Jefferson. I'm  
 11 assistant commissioner to the department.  
 12 MR. BAILEY: Dan Bailey, legal  
 13 counsel.  
 14 CHAIRMAN FOX: And you, sir?  
 15 MR. CHURCH: Me?  
 16 CHAIRMAN FOX: Yes, sir.  
 17 MR. CHURCH: My name is Michael  
 18 Church. I'm a representative from KONE Elevator  
 19 and Escalator Company.  
 20 CHAIRMAN FOX: Mr. Taylor, if  
 21 you'll just -- oh, excuse me. The lady up front  
 22 here, in the front row.  
 23 MS. ALDRIDGE: Erica Aldridge, AAL  
 24 for Amusement Device Unit.  
 25 MS. MURPHY: Jennifer Murphy,

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1 Safety Compliance Officer, Middle Tennessee.  
 2 MS. BARNETT: Doris Barnett,  
 3 administrative assistant to WRC.  
 4 MR. TAYLOR: Lawrence Taylor, codes  
 5 and standards officer for Schindler Elevator  
 6 Corporation.  
 7 MR. GARTON: Rex Garton, project  
 8 architect, John Sevier State Office Building.  
 9 MS. MEADOWS: Beth Meadows,  
 10 HFR Design, project manager for John Sevier State  
 11 Office Building.  
 12 MR. YARBROUGH: Larry Yarbrough,  
 13 Nashville Machine Elevator.  
 14 MS. POPE: Sara Ann Pope, daughter  
 15 of board member.  
 16 MS. BROWN: Heather Brown,  
 17 commissioner's office, Department of Labor.  
 18 MS. KELSEY: Melinda Kelsey, chief  
 19 of staff, commissioner's office.  
 20 MR. GREGORY: Jason Gregory,  
 21 International Union of Elevator Constructors.  
 22 CHAIRMAN FOX: Folks, glad to have  
 23 you-all here. We appreciate people coming to our  
 24 meetings, and you're welcome back at the next one  
 25 as well.

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1 (No verbal response.)  
 2 CHAIRMAN FOX: Motion carries.  
 3 You should have the minutes of the  
 4 December 4th, 2018 meeting. I would entertain a  
 5 motion to approve as presented.  
 6 MR. RADER: So moved.  
 7 MR. MOORE: Second.  
 8 CHAIRMAN FOX: I have a motion and  
 9 a second. Any discussion?  
 10 (No verbal response.)  
 11 CHAIRMAN FOX: Hearing none, all in  
 12 favor of the motion, let it be known by saying  
 13 "aye."  
 14 (Affirmative response.)  
 15 CHAIRMAN FOX: All opposed, like  
 16 sign.  
 17 (No verbal response.)  
 18 CHAIRMAN FOX: Item Number 6, the  
 19 Elevator Unit's report.  
 20 MR. FARMER: I gave y'all all the  
 21 numbers for the Elevator Unit. It's in front of  
 22 you, but I'll go over a little bit of it. We  
 23 currently have 26 field inspectors, one  
 24 supervising inspector, which is me, one office  
 25 supervisor, which is Anita Rhodes, and we also

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1 Mr. LaPorte, would you get us started  
 2 off right, please.  
 3 MR. LaPORTE: Yes, sir.  
 4 (Whereupon, the Pledge of Allegiance  
 5 was recited.)  
 6 CHAIRMAN FOX: One thing I need to  
 7 do, in the event of an emergency or a natural  
 8 disaster, security personnel will take attendees  
 9 to a safe place in the building or direct them to  
 10 exit the building on the Rosa Parks side, which is  
 11 that side (indicating) of the building.  
 12 All right. Item Number 4, I would  
 13 entertain a motion to adopt the agenda as  
 14 presented.  
 15 MR. HALE: So moved.  
 16 MR. RADER: Second.  
 17 CHAIRMAN FOX: We have a motion and  
 18 a second. Any discussion?  
 19 (No verbal response.)  
 20 CHAIRMAN FOX: Hearing none, all in  
 21 favor of the motion, let it be known by saying  
 22 "aye."  
 23 (Affirmative response.)  
 24 CHAIRMAN FOX: All opposed, like  
 25 sign.

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1 have two admin workers.  
 2 We do have one vacant route here in  
 3 Nashville that was previously assigned to Laralyn  
 4 Drew. She resigned. It's still open.  
 5 Some things we have planned, we have  
 6 a QEI class to be held in this building April 11  
 7 to get all the inspectors recertified. There will  
 8 also be some outsiders involved. I think Victor  
 9 is coming. Some people in the elevator industry  
 10 hold their QEI, so they just come in and get their  
 11 continuing education with us.  
 12 Looking at the numbers we've got,  
 13 we've done 15,408 bi-annual inspections this  
 14 physical year so far. We've got 523 acceptance  
 15 inspections. Of those 523 acceptance inspections,  
 16 we had to go back 117 times because the first one  
 17 failed. So we've done 56 red tag and special  
 18 inspections, 220 temporary construction  
 19 inspections, 21 accidents, 180 red-tag  
 20 verifications, and so far we've done 303 new  
 21 construction permits and 98 alteration permits.  
 22 That puts our numbers up to around 15,598 total  
 23 conveyances. I think that's all the numbers I've  
 24 got.  
 25 I don't know if this is the time, but

<p style="text-align: right;">Page 10</p> <p>1 I wanted to announce that I have put in my 2 resignation with the Department of Labor. It will 3 be effective next Friday. It's probably the 4 toughest thing I've ever had to do. I really 5 appreciate everything that the Board's done for 6 me. They've always treated me with respect and 7 always listened to everything I had to say, which 8 is rare for people.</p> <p>9           When I began 16 years ago, they 10 always said I was too young to be an elevator 11 inspector. Now they're saying I'm too old to 12 change careers. I don't know what's going on 13 there, but it's happening. But seriously, I'll 14 always be here in Nashville, and you all can call 15 me and ask me anything at any time. I know me and 16 Victor will be working together a lot in the 17 future, so I want to thank everyone.</p> <p>18           CHAIRMAN FOX: Mr. Farmer, we're 19 going to miss you. We're going to miss your 20 professionalism and we're going to miss your 21 wisdom. As you just stated, we have to rely on 22 people who know the inner workings of that 23 process, and we certainly rely on you to do that 24 for us. We're going to miss you more than you'll 25 ever know. Again, we appreciate your</p>	<p style="text-align: right;">Page 11</p> <p>1 professionalism, but most of all, your friendship. 2           MR. FARMER: Thank you. Thank you 3 so much. 4           That all I've got. 5           CHAIRMAN FOX: Item Number 7, 6 Amusement Device Unit report. 7           Mr. Hardy, first, I just want to 8 thank you for putting those numbers on there. 9 That was great. 10           MR. HARDY: Well, you know, it's 11 hard to follow this emotionally because Chris has 12 been such a big help to me in the short time that 13 I've been here. But yeah, he outdid me the last 14 couple of board meetings, and he said, just to cut 15 me some slack, that he wouldn't do any graphs this 16 week, this time. So I appreciate him for that 17 also. 18           CHAIRMAN FOX: Well, these look 19 great. 20           MR. FARMER: I'm here to please. 21           MR. HARDY: Erica, would you stand 22 up again, please? 23           MS. ALDRIDGE: Yes. 24           MR. HARDY: Erica introduced 25 herself, but on January 7th, we were fortunate</p>
<p style="text-align: right;">Page 12</p> <p>1 enough to obtain Erica Aldridge to the staff as 2 our AAl. Most of you know that Jennifer Murphy 3 was promoted internally to safety compliance 4 officer in the central division.</p> <p>5           Erica has jumped right in. She's a 6 fast learner. She's doing a good job with the 7 administrative duties of the Unit, and we're 8 excited about the remainder of the fiscal year, 9 and optimistic, again, to see what the Unit can 10 get accomplished with a full staff for the 11 remainder of the fiscal year.</p> <p>12           If you'll refer to these nice 13 handouts that Chris told me how did to put 14 together here, the first sheet you'll see is our 15 year-to-date statistics for number of companies 16 permitted. And right now, with four months 17 remaining in our fiscal year, we're at 260.</p> <p>18           I know if you prorate that out in 19 your head, it's pretty easy to see that that would 20 come out to 390 and fall short of the 408, but I 21 want to remind you that we are now entering our 22 busy season, March through the end of June for our 23 fiscal year. So I definitely think that we'll 24 surpass 408. I hope that we get close to 500. 25 The number 600 has been thrown out there, as far</p>	<p style="text-align: right;">Page 13</p> <p>1 as a goal. We'll see if we have that many 2 companies doing business in the state. But we're 3 pretty confident with the numbers we have right 4 now, being within this fiscal year. So we're at 5 260.</p> <p>6           And if you'll flip over, new 7 companies permitted, we are at 70. And it's the 8 primary responsibility of the compliance officers 9 to reach out to officers that are noncompliant and 10 to guide them through the permitting process. 11           So last year, we permitted, as can 12 you see, a total of 134 new companies, and right 13 now we're at 70. And, again, there will be a lot 14 of activity between now and the end of our fiscal 15 year, so we hope this number, you know, will jump 16 up there close to 134.</p> <p>17           This graph will eventually -- and 18 we've talked about this before in a board 19 meeting -- this graph will eventually bell curve. 20 So we know we're going to capture all the 21 companies doing business at some point in time, 22 and those numbers will start to taper off. But 23 there is a correlation between new companies 24 permitted and overall companies permitted. 25           The next sheet is something new, and</p>

<p style="text-align: right;">Page 14</p> <p>1 it correlates, also, directly to the number of  2 third-party inspections that we've had in the  3 state, but this is number of devices. We permit  4 companies, but under those companies are devices  5 that also fall under that umbrella. And right  6 now, again, with four months to go, we have  7 permitted 2,486 amusement devices in the state.  8 So I also feel very confident that that number is  9 going to surpass the number that we had last year,  10 3,582.</p> <p>11           The next sheet -- and this is  12 something that, again, the Board asked for in  13 their September meeting, and we will continue to  14 provide and discuss. This chart is on calendar  15 year, but it is the number of accidents that we've  16 had since 2015. And right now, so far in this  17 calendar year, we have six accidents, so far  18 recorded, reportable accidents.</p> <p>19           And then if you flip to the final  20 page, you'll see that -- and we've talked about  21 this, I think, in the last two meetings as well,  22 but -- here, the accidents are categorized by  23 device type.</p> <p>24           And again, you can see, out of the  25 total of six accidents we've had so far, all six</p>	<p style="text-align: right;">Page 15</p> <p>1 of those are contributed from trampoline parks.  2 And we know that trampoline parks, like escape  3 games and escape rooms, were pretty much  4 nonexistent just a few years ago. So they're  5 popping up in a lot of places, and, you know,  6 we're seeing minor injuries in the form of ankle  7 injuries and shoulder injuries, things of that  8 nature.</p> <p>9           But in accordance to the law, they  10 are reportable because they were transports to  11 off-site licensed medical facilities and -- but  12 that does skew the numbers. You can see it, I  13 think, well on the categorization on the last  14 sheet there. That's all I have about reporting  15 numbers.</p> <p>16           I will mention that we did attend the  17 annual Tennessee Fair Association conference on  18 January 18. We were fortunate enough to make a  19 presentation -- be asked to, and make a  20 presentation in a couple of breakout sessions over  21 there. Discussing the permitting requirements,  22 accident reporting guidelines and other topics  23 that are amusement device and Unit-related topics  24 to the group.</p> <p>25           Also, we attended and gave a</p>
<p style="text-align: right;">Page 16</p> <p>1 presentation on the Unit's behalf at the annual  2 Pick Tennessee Conference. The Pick Tennessee  3 Conference is sponsored by the UT Ag extension  4 service in conjunction with Farm Bureau and this  5 conference was held at Cool Springs on  6 February 21st. And again, we were fortunate  7 enough to be asked, and we welcome and appreciate  8 these invitations, any opportunities to educate  9 the public regarding amusement device laws and  10 regulations. It helps us as we continue toward  11 our goal of increasing awareness of the Unit and  12 the regulatory compliance requirements.</p> <p>13           So that's all I have, Chairman, and I  14 would be glad to answer any questions that the  15 Board might have at this time.</p> <p>16           CHAIRMAN FOX: Any questions from  17 the Board?</p> <p>18           MR. HALE: I was going to say, I  19 was fortunate to be the moderator for the sessions  20 that we did at the Tennessee Association of Fairs.  21 And Mike and Jennifer were there, and they did an  22 exceptional job representing the Board and  23 explaining the process, and just did a great job.  24 I was very pleased and impressed with them.</p> <p>25           CHAIRMAN FOX: Thank you, David.</p>	<p style="text-align: right;">Page 17</p> <p>1           MS. O'CONNOR: Mr. Chair, I would  2 also like to thank Mr. Hardy for this last graph,  3 especially. This is a huge help. Thank you.</p> <p>4           MR. HARDY: You're welcome. Thank  5 you.</p> <p>6           CHAIRMAN FOX: I appreciate the  7 numbers.</p> <p>8           MR. HALE: He brought a graph with  9 him, and I was fortunate to be allowed to help  10 pass those out. It really made me feel a part of  11 it, passing out one of Mr. Hardy's graphs.</p> <p>12           MR. POPE: You did a great job,  13 David, passing them out.</p> <p>14           CHAIRMAN FOX: One quick question,  15 Mr. Hardy, on the amusement devices.</p> <p>16           MR. HARDY: Uh-huh.</p> <p>17           CHAIRMAN FOX: Are we able to --  18 have we assimilated or put together a database,  19 now, of all the rights that are permitted in the  20 state of Tennessee?</p> <p>21           MR. HARDY: That's in process.</p> <p>22           CHAIRMAN FOX: Okay.</p> <p>23           MR. HARDY: And it's part,  24 Chairman, of this new software system that we've  25 obtained.</p>

<p style="text-align: right;">Page 18</p> <p>1 CHAIRMAN FOX: Okay.</p> <p>2 MR. HARDY: It hasn't been fully</p> <p>3 loaded. So once we go through a complete fiscal</p> <p>4 year, we should be able to mine devices by device</p> <p>5 type, devices in each grand division, who</p> <p>6 inspected those devices. It will provide us with</p> <p>7 a lot of opportunities. We already have a lot of</p> <p>8 information that -- the previous system, CMATS,</p> <p>9 actually, just couldn't afford us. That</p> <p>10 information is already available. But once we go</p> <p>11 through a full year and this system is completely</p> <p>12 loaded, we can mine those type things. We can</p> <p>13 know where the Tilt-A-Whirls are registered in the</p> <p>14 state, and things of that nature, at our</p> <p>15 fingertips. So it will really be helpful.</p> <p>16 MR. POPE: If I could say</p> <p>17 something, Chairman.</p> <p>18 CHAIRMAN FOX: Sure.</p> <p>19 MR. POPE: I don't know if you've</p> <p>20 got it in there, but I know in my past experience,</p> <p>21 in the states I've been in, if you can put</p> <p>22 manufacturer with it, it would help, only because</p> <p>23 if you happen to have a problem somewhere down the</p> <p>24 line, then that runs right in line with it as to</p> <p>25 who -- even though it's called a Tilt-A-Whirl or a</p>	<p style="text-align: right;">Page 19</p> <p>1 Scrambler or a Sizzler, if you'll know what</p> <p>2 manufacturer it is, I think you'll be able to</p> <p>3 chase down a lot of issues.</p> <p>4 MR. HARDY: We can look those up.</p> <p>5 We will have that capability, Mr. Pope, to look</p> <p>6 those up by serial number.</p> <p>7 MR. POPE: Super.</p> <p>8 MR. HARDY: And also, just to throw</p> <p>9 it out there, the new system is printing our new</p> <p>10 proof-of-inspection decals. And it also has the</p> <p>11 device name and the serial number. Which that</p> <p>12 serial number will remain intact with that device</p> <p>13 until it's, you know, taken out of service.</p> <p>14 So one more fiscal year to completely</p> <p>15 load this system, and then we'll have all of that</p> <p>16 at our fingertips. I think it's working well for</p> <p>17 us right now. I think everyone would agree.</p> <p>18 MR. POPE: I think you've come</p> <p>19 leaps and bounds, honestly.</p> <p>20 MR. HALE: Does that include the</p> <p>21 credit card payment part of it?</p> <p>22 MR. HARDY: No, sir.</p> <p>23 MS. JEFFERSON: As we talked about</p> <p>24 before, we had a certain budget. Unfortunately,</p> <p>25 that wasn't included in the original budget for</p>
<p style="text-align: right;">Page 20</p> <p>1 them; however, once we've finished with all three</p> <p>2 programs -- we've done the Elevator Unit, we've</p> <p>3 done the Amusement Device Unit, and now we're on</p> <p>4 the Boiler Unit -- so once we finish, if we have</p> <p>5 monies remaining, we'll be able to take a look at</p> <p>6 that. If we don't, then we'll have to do</p> <p>7 something different under another contract. But</p> <p>8 we're bound by this contract.</p> <p>9 MR. HALE: As we've said several</p> <p>10 times, I think that will be a plus to get --</p> <p>11 particularly for traveling carnivals -- to make it</p> <p>12 easier for them to be in compliance. When you're</p> <p>13 sitting in Florida with your carnival and you need</p> <p>14 to get your permits worked out, it's a lot easier</p> <p>15 to do it by credit card.</p> <p>16 MS. JEFFERSON: Yes, I understand.</p> <p>17 Yes. And, also, Doris Barnett -- I believe she</p> <p>18 spoke to you--all last time -- she's going to come</p> <p>19 up and give a JO, Jurisdiction Online, update as</p> <p>20 part of our meetings, our ongoing meetings, so she</p> <p>21 can let you--all know what the status is and other</p> <p>22 things that you may be concerned about. Doris</p> <p>23 will be able to answer those questions.</p> <p>24 CHAIRMAN FOX: Mr. Hardy, I want to</p> <p>25 get down in the weeds for just 30 seconds. So</p>	<p style="text-align: right;">Page 21</p> <p>1 when I put all my rides in and we do the -- we</p> <p>2 push the big button, that data will actually</p> <p>3 transfer over into an Excel spreadsheet or some</p> <p>4 data --</p> <p>5 MR. HARDY: Absolutely.</p> <p>6 CHAIRMAN FOX: Okay. And that's</p> <p>7 where we're headed, right? Or are we there now?</p> <p>8 MR. HARDY: We can mine that</p> <p>9 information. We can pull Dollywood up and have a</p> <p>10 listing of all your devices, you know, that list</p> <p>11 James Roy's serial numbers, manufacturers, if I'm</p> <p>12 not mistaken.</p> <p>13 MS. MURPHY: Manufacturers, serial</p> <p>14 numbers, and the year it was built, if it's</p> <p>15 provided to us.</p> <p>16 MS. BARNETT: And who inspected it</p> <p>17 and when.</p> <p>18 MR. HARDY: Who inspected it and</p> <p>19 when.</p> <p>20 CHAIRMAN FOX: Okay.</p> <p>21 MR. HARDY: Yeah. And once we have</p> <p>22 Dollywood in there this time, Chairman, then that</p> <p>23 device number will remain the same every year. It</p> <p>24 will change the color of our decal, of course, for</p> <p>25 the next fiscal year, to show that it's been</p>

<p style="text-align: right;">Page 22</p> <p>1 updated, but that device number will stay with the 2 Flying Eagle and the -- those devices throughout 3 their life.</p> <p>4 MR. BAILEY: Mr. Chairman, when 5 somebody speaks from the audience, if you would, 6 please, give your name -- the court reporter 7 cannot see you and know who is saying that -- so 8 that we have a clean record.</p> <p>9 MS. BARNETT: Thank you for the 10 reminder.</p> <p>11 CHAIRMAN FOX: I'm sorry. I should 12 have done that.</p> <p>13 MS. BARNETT: That was Doris 14 Barnett that made the comment about inspections.</p> <p>15 THE REPORTER: Thank you.</p> <p>16 MS. MURPHY: And Jennifer Murphy 17 made the comment about manufacturers.</p> <p>18 THE REPORTER: Thank you.</p> <p>19 CHAIRMAN FOX: Okay. Moving right 20 along. Anything else, Mr. Hardy?</p> <p>21 MR. HARDY: Not on my end. I would 22 be welcome to address anything that you guys have.</p> <p>23 CHAIRMAN FOX: Anything else from 24 the Board?</p> <p>25 MR. RADER: Good report.</p>	<p style="text-align: right;">Page 23</p> <p>1 CHAIRMAN FOX: Yes, good report. 2 Absolutely.</p> <p>3 Okay. Under Old Business, the 4 Elevator Subcommittee update.</p> <p>5 Mr. LaPorte, are you going to report 6 for us?</p> <p>7 MR. LaPORTE: Yes, sir.</p> <p>8 CHAIRMAN FOX: All right.</p> <p>9 MR. LaPORTE: So the Elevator 10 Subcommittee has finished a review of, actually, 11 six codes. We're looking at the following 12 recommendations: ASME A17.1, 2016 code; we want 13 to move to use of the ASME A17.2 2017 inspectors 14 guide; ASME A17.6, 2017; ASME A18.1, 2014; ANSI 15 B77.1, 2017. And the last one we've looked at was 16 ASME A17.3, 1996. And that, we actually want to 17 not recommend moving forward with, and keeping in 18 place as is. That's the code for existing 19 elevators.</p> <p>20 So for the five codes that we want to 21 move to, you should have a little packet in front 22 of you.</p> <p>23 And first of all, Mr. Chairman, I 24 tried to figure out some way to put some type of 25 colored graph with numbers, but I was unable to,</p>
<p style="text-align: right;">Page 24</p> <p>1 and so I apologize.</p> <p>2 CHAIRMAN FOX: You know, we live 3 with what we live with.</p> <p>4 MR. LaPORTE: This is a 5 purposefully simple-looking format, but it 6 actually pretty much matches the State's current 7 format and any kind of revisions. One thing I 8 did, mostly in A17.1, we've got colored font here. 9 If there was a complete deletion of a section or 10 paragraph, we just fonted that in red just as an 11 indicator. If it's a change, it's fonted in blue. 12 And the entire section or paragraph was written in 13 here so that we don't have to try to figure out 14 just added or subtracted wording or anything like 15 that. So that is completely there.</p> <p>16 CHAIRMAN FOX: Excuse me, 17 Mr. LaPorte, just for the sake of the audience, so 18 everybody knows what we're doing or what you're 19 talking about, could you give us, like, the 20 Reader's Digest version or the Cliff's Notes of 21 exactly what it is you're going to be 22 recommending.</p> <p>23 MR. LaPORTE: Sure. I can work 24 backwards a little bit.</p> <p>25 CHAIRMAN FOX: All right. The</p>	<p style="text-align: right;">Page 25</p> <p>1 ANSI 77.1, 2017, which is the code for aerial 2 tramways and aerial lifts, surface lifts, tows and 3 conveyors, we're looking to adopt that with no 4 changes.</p> <p>5 MR. FARMER: We're currently on a 6 '99 code, so it's quite a jump. So it's a good 7 thing.</p> <p>8 CHAIRMAN FOX: Taking it from 1999 9 to 2017?</p> <p>10 MR. FARMER: Yes.</p> <p>11 CHAIRMAN FOX: I would say so, yes.</p> <p>12 MR. LaPORTE: 18.1, 2014, which is 13 for platform and stairway chair lifts, there's two 14 revisions. One is a revision, actually, and one 15 deletion. Which, actually, is what we carried -- 16 Chris, what is the current breakdown 17 of data we're currently under?</p> <p>18 MR. FARMER: We're under '08 right 19 now. A18.1, '08, is what we go by.</p> <p>20 MR. LaPORTE: So these two changes 21 we're actually currently using in the '08 code and 22 just moving the rest of it to the 2014. 23 ASME A17.6, moving to 2017, that is 24 for suspension means. So cables or belts, 25 whatever is suspending the elevator, we're looking</p>

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1 to do that with no changes.  
 2 CHAIRMAN FOX: May I ask a quick  
 3 question?  
 4 MR. LaPORTE: Yes, sir.  
 5 CHAIRMAN FOX: Is this what --  
 6 these are the issues that used to come before us,  
 7 and we had to do a variance on each one. Is this  
 8 the portion that addressed that?  
 9 MR. FARMER: Some of it is. A lot  
 10 of it is clean up. A lot of it is just newer  
 11 codes that we just -- we're getting behind times,  
 12 and before we get too far behind, we don't want --  
 13 that's going to create variances.  
 14 CHAIRMAN FOX: Okay.  
 15 MR. FARMER: So if they come out  
 16 with any new technology that's not covered under  
 17 the older code, then they will have to come --  
 18 start coming to you guys and ask for variances.  
 19 So we're getting ahead of the game, we hope.  
 20 CHAIRMAN FOX: Okay. I'm sorry.  
 21 It was something I wanted to clarify. You're  
 22 doing great.  
 23 MR. HALE: Where we used to have to  
 24 do variance on cable size and that kind of thing.  
 25 MR. FARMER: Could be. At one

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1 The Cliff's Notes version is a lot of  
 2 the -- deleted sections are sections that our  
 3 inspectors currently don't inspect or recognize,  
 4 so we're not taking that responsibility, or it's  
 5 equipment that we don't have in the states.  
 6 A lot of the revision is based around  
 7 MCP or maintenance control program. The way the  
 8 code is written, it's kind of a one-size-fits-all  
 9 for all authorities. The biggest change in the  
 10 MCP is we're wanting to have it required to be all  
 11 in paper on site.  
 12 The code allows for certain means to  
 13 obtain through electronic record, which we felt  
 14 doesn't work very well. We did leave a provision,  
 15 though, that if certain companies want to come up  
 16 with an electronic format, like a tablet or  
 17 something, to leave on site, we would allow that.  
 18 But the record itself would be left on site, per  
 19 each elevator.  
 20 CHAIRMAN FOX: So how -- I'm sorry,  
 21 but how would we -- I'm just thinking, again, how  
 22 does it affect a person with one elevator? I  
 23 mean, for a company with one elevator or two  
 24 elevators, do they leave that -- how are we going  
 25 to do that -- how are we going to specify that

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1 time, we did.  
 2 MR. HALE: Right.  
 3 MR. FARMER: If you-all remember,  
 4 when the MRLs were first introduced, we couldn't  
 5 accept it. I want to say it was an 8mm road, and  
 6 we couldn't accept it under the current code, so  
 7 we had to get variances on it. And that's when we  
 8 had actually adopted the A17.6 code, at the time,  
 9 that would allow it to happen.  
 10 MR. HALE: And this cleans that up?  
 11 MR. FARMER: Well, it's going to  
 12 clean it up for any future problems.  
 13 CHAIRMAN FOX: Okay. Good deal.  
 14 They're using belts now to pull elevators with.  
 15 They may use pantyhose next year, so let's go  
 16 ahead and get the code in there before we accept  
 17 stuff.  
 18 MR. LaPORTE: And the A17.6 that  
 19 we're currently under, Mr. Chairman, is the 2010  
 20 code, so we're going to move into 2017. The ASME  
 21 A17.2 inspector's guide, we're currently using the  
 22 2004 inspector's guide, and we'll be moving to the  
 23 2017 with no changes. And last -- one of the big  
 24 changes, approximately 50, is A17.1, 2016, moving  
 25 from the 2010 code.

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1 they put it on a tablet? Or how would we specify  
 2 that they put it on some electronic device, or how  
 3 can we specify that?  
 4 MR. FARMER: That's the real  
 5 benefit, in my opinion, of having the state  
 6 inspector. They're the ones that are going to  
 7 ensure all of this is happening.  
 8 Now, if it's an acceptable way of  
 9 viewing these records on site -- sometimes they  
 10 sell a computer with an elevator and the computer  
 11 can stay with it. As long as we have access to it  
 12 and can view it, readily accessible without a  
 13 password, pass codes, or protection of it, you  
 14 know, where I can go in and review what's  
 15 happened. That, in my opinion, would be  
 16 acceptable for us.  
 17 What's not acceptable is I've got to  
 18 put in a request to Otis Elevator to send me an  
 19 electronic version of it. I'm sitting there for  
 20 two hours on site, waiting for this record to be  
 21 sent to me electronically.  
 22 That's -- and I feel like that's what  
 23 we don't want to happen, you know.  
 24 MR. LaPORTE: I think, typically,  
 25 also, most of it -- the majority, if not all of

<p style="text-align: right;">Page 30</p> <p>1 these records, will be in written format. So if  2 somebody wants to move forward with an electronic  3 means to keep on site, that would also have to be  4 approved by the Elevator Unit that that is an  5 acceptable format to the inspectors.  6 CHAIRMAN FOX: I agree with what  7 you're doing. I just took the other side just for  8 the sake of argument.  9 MR. LaPORTE: Understood.  10 CHAIRMAN FOX: Okay.  11 MR. LaPORTE: And I believe, Chris,  12 that pretty much would be the Cliff's Notes  13 version.  14 MR. FARMER: And if you don't mind,  15 I'll add just a little bit to it. These MCPs are  16 the who, when, where, what, and how of the  17 elevator: Who's been there; who's done what to  18 it; if it's a call in the middle of the night and  19 they go out and they're fixing this elevator at  20 3:00 in the morning, they jot down a few things  21 that they've done; or the guy that comes in at  22 7:00 on normal work hours and knows exactly the  23 way he left the elevator. It's a safety issue.  24 It can really become a safety issue because at  25 3:00 in the morning and you're running calls, you</p>	<p style="text-align: right;">Page 31</p> <p>1 just run out and you leave something that jumped  2 out that this guy at 7:00 don't know about, he  3 comes and gets the elevator repaired, but it ain't  4 repaired correctly, and it could hurt someone.  5 So this is a -- it's great for the  6 inspector to go in and review what's been done,  7 but, in my opinion, that's the most important part  8 of it, is where they know what they left on and  9 what they didn't leave on, what they fixed and  10 what they didn't fix. And for us, we can go in  11 and review it and say, well, if this has been  12 done, I should know it, because I can look inside  13 this manual and see when they done it.  14 And it holds a lot of accountability  15 for the companies, for the maintenance people, and  16 even for the inspector that has to -- you know, if  17 they do something, if they're witnessing  18 something, they've got to sign off, too, so it's a  19 good thing. It really is a good thing.  20 MR. MOORE: And, Mr. Chairman, just  21 to clarify, it's not something that the equipment  22 owner will generate. This is actually coming from  23 the elevator companies. So it's -- the  24 responsibility of the owner, it's not really  25 falling on them; it's back on who's maintaining</p>
<p style="text-align: right;">Page 32</p> <p>1 that elevator.  2 CHAIRMAN FOX: And like us, we have  3 a contract with a repair company.  4 MR. FARMER: Yes, sir.  5 CHAIRMAN FOX: And so they're going  6 to leave that documentation there.  7 MR. FARMER: Yes.  8 CHAIRMAN FOX: Or it would be  9 available.  10 MR. FARMER: Yeah. And what's  11 really good is you don't marry yourself to one  12 company. So if you're dealing with this one  13 company and you're not happy with them, and the  14 next company comes in, they don't have to search  15 for any of this stuff because they have to leave  16 it on site, you know. It's blueprints. It's --  17 like I said, it's the who, what, when, how of this  18 elevator. And not to be all fireworks and  19 lollipops, but this may add a little cost to an  20 owner up front. I mean, this may add a little  21 cost to the public that owns elevators, but in the  22 long run, it's going to pay for itself, in my  23 opinion.  24 CHAIRMAN FOX: In my world, it's no  25 different than having a logbook. And when</p>	<p style="text-align: right;">Page 33</p> <p>1 Mr. Hardy walks into one of our rides and he says,  2 "I would like to see your logbook," we can either  3 present that in written form, or we'll dial in to  4 our maintenance program and say, "Here is  5 everything that's happened to that ride over the  6 last period," whatever. Same process, right?  7 MR. LaPORTE: Correct. If I can  8 add a little bit. Any elevator installed since  9 the 2010 code inception, the MCP, while modified  10 some, has been in place since then. So for most  11 owners, there really should be no cost if their  12 equipment was installed, again, since the  13 inception of the 2010 code.  14 Prior to that -- they're likely in --  15 up front. Outside the MCP, two other major  16 Cliff's Note points that we basically eliminated  17 was reference to A17.7, which we talked about  18 before. That is items not typically covered in  19 the code for brand-new things that companies can  20 certify through engineering means or demonstrated  21 usage. And we didn't want to go there with that.  22 CHAIRMAN FOX: Okay.  23 MR. LaPORTE: Also, means -- and  24 this is similar -- there's a means for alternative  25 testing to be Category 5 full-load testing.</p>

<p style="text-align: right;">Page 34</p> <p>1 Where, currently, the Category 5 full-load testing  2 requires a full load of test weights to capacity  3 to be put on the elevator, the elevator run at  4 full speed, the safety set, to make sure  5 everything works properly, nothing breaks. But  6 alternative testing means there's electronic  7 devices now that are supposed to measure and  8 predict successful operation of the safeties.  9 But it's new technology. We didn't  10 feel that there was enough use behind it yet to  11 prove that it works correctly. The Category 5  12 testing has been around for many, many years. It  13 completely tests the elevator stresses. You know,  14 there's certain things that we felt that -- we  15 talked about that we didn't feel that the  16 alternative testing means could find, like, stress  17 fractures or things like that that could fail  18 under actual conditions. So that was something  19 that was removed.  20 And that would be the total Cliff's  21 Notes version of this.  22 CHAIRMAN FOX: And the Reader's  23 Digest version.  24 MR. LaPORTE: Yes.  25 CHAIRMAN FOX: Okay. Y'all have</p>	<p style="text-align: right;">Page 35</p> <p>1 done excellent work. I have to say that. This is  2 good stuff.  3 You had mentioned certifications?  4 MR. LaPORTE: Yes. If you wanted  5 to jump to that about elevator mechanics. So  6 while we were going through the review of the  7 codes, we had a lot of discussion around licensing  8 people working on elevators.  9 Currently, there's no requirement in  10 the state for that. This is something, by the  11 way, that many states have been moving to. But we  12 would like to see a license, through the Elevator  13 Unit, for people working on elevators.  14 And there's some different ways to  15 look at it. We may want to spend some time or  16 subcommittee put forward recommendations on what  17 this would look like. But it could easily be  18 fairly low cost, but a multiyear license even, but  19 with specific continuing education requirements  20 that currently are not in place. And that would  21 be a combination of technical as well as code  22 education.  23 And we're not talking a lot. What  24 most states are doing and what we'll talk about  25 recommending would be ten hours annually. So</p>
<p style="text-align: right;">Page 36</p> <p>1 we're looking at eight hours, normally, of  2 technical training -- and there's a lot of  3 availability for that -- and then two hours of  4 code training annually.  5 Currently, all of our inspectors, you  6 know, they're licensed, they're QEI-certified.  7 They basically have the same type of requirement.  8 This would ensure that people working on the  9 elevators, doing the testing, are doing it  10 properly. And in the cases that it's not being  11 done properly, the State can then hold those  12 people accountable, too.  13 CHAIRMAN FOX: Okay. I wanted to  14 get that so we could be thinking about that, and  15 then we'll come back to it under Item Number 10.  16 Anything else?  17 MR. FARMER: Do we need a -- do  18 y'all need to vote on this, or do we review on  19 this for a while? I mean, because this is -- in  20 my opinion, this is a finished product that we can  21 move forward on.  22 CHAIRMAN FOX: Okay. So we're  23 going to be changing the rules. Is that right,  24 Mr. Bailey?  25 MR. BAILEY: Yes, sir.</p>	<p style="text-align: right;">Page 37</p> <p>1 CHAIRMAN FOX: Okay. So you'll  2 need us to make a recommendation to you to carry  3 forward? Is that correct?  4 MR. BAILEY: Yeah. You'll need to  5 vote on this document that they've presented to  6 you as to whether or not the Board adopts it and  7 wishes to go forward with amending the rules to  8 reflect these changes.  9 CHAIRMAN FOX: All right. So are  10 we within our time constraints to get this in the  11 approval process so we can have it for next year?  12 Or how long would it take for us to do this?  13 MR. BAILEY: That's kind of hard to  14 say. Right now, the rulemaking rules are frozen  15 until May 2nd.  16 CHAIRMAN FOX: Right.  17 MR. BAILEY: And assuming that they  18 become unfrozen after May 2nd, we could proceed at  19 that time. I mean, as far as drafting the  20 documents and getting them ready, I can go ahead  21 and start doing that. But I won't be able to  22 submit them to the Attorney General's office or  23 anybody like that until after the freeze is off  24 the rules.  25 CHAIRMAN FOX: Right. I just want</p>

<p style="text-align: right;">Page 38</p> <p>1 to make sure that we meet all the steps and have 2 it ready to go.</p> <p>3 MR. BAILEY: Right. Now, 4 something -- a decision that you'll have to make, 5 also, is whether to go the proposed rulemaking 6 route, which means there would not be any public 7 hearings, or to go the rulemaking -- the proposed 8 rulemaking process is the one that's faster, but 9 if you the route where you have a public hearing, 10 and you said that this could be additional costs 11 to some companies, so you may want to go public 12 hearing route, you would have to schedule at least 13 one public hearing and, you know, put that notice 14 out. You can also have more than one, but -- and 15 then you'll have to have the public hearing 16 respond to all the comments before you submit -- 17 you know, before we submit it to the Attorney 18 General's office.</p> <p>19 CHAIRMAN FOX: Okay.</p> <p>20 MR. BAILEY: So that's the decision 21 you'll have to make.</p> <p>22 CHAIRMAN FOX: What's the pleasure 23 of the Board?</p> <p>24 MS. O'CONNOR: I would move that we 25 adopt this through a public hearing.</p>	<p style="text-align: right;">Page 39</p> <p>1 CHAIRMAN FOX: We have a motion. 2 MR. RADER: I second that. 3 CHAIRMAN FOX: We have a second. 4 Any further discussion? 5 MR. POPE: I do. 6 CHAIRMAN FOX: All right. 7 MR. POPE: It's my first time 8 having something on the Elevator Board come up. 9 Once we vote on that, that tags the Board as 10 condoning this, or is it -- is that how it's 11 presented in legislation, I'm assuming?</p> <p>12 CHAIRMAN FOX: Yes. This board 13 would present it to Mr. Bailey. I'll just go 14 through the process. Yes, we're condoning that 15 and we're approving it.</p> <p>16 MR. POPE: Do we do the same 17 process on the amusement side also?</p> <p>18 CHAIRMAN FOX: Yes, sir, we do. We 19 make a recommendation for both.</p> <p>20 MR. POPE: That's all I need to 21 know.</p> <p>22 CHAIRMAN FOX: Motion is seconded. 23 Any other discussion? 24 (No verbal response.) 25 CHAIRMAN FOX: Hearing none, all in</p>
<p style="text-align: right;">Page 40</p> <p>1 favor of the motion, let it be known by saying 2 "aye."</p> <p>3 (Affirmative response.)</p> <p>4 CHAIRMAN FOX: All opposed, like 5 sign.</p> <p>6 (No verbal response.)</p> <p>7 CHAIRMAN FOX: Motion carries. 8 Mr. Bailey, thank you.</p> <p>9 MR. BAILEY: You're welcome.</p> <p>10 MR. HALE: So when will we 11 establish the public hearing date?</p> <p>12 MR. BAILEY: We'll just have to 13 work on that, as far as -- I don't know if we can 14 have a public hearing until after the rules are 15 unfrozen. So it would have to be probably 16 sometime after May 2nd. But we'll have to work on 17 trying to schedule that.</p> <p>18 MR. RADER: Dan, how do you 19 advertise that? I mean, how does the public know 20 we're having that?</p> <p>21 MR. BAILEY: It's published in the 22 state register, and we can put it on our --</p> <p>23 MR. RADER: Put it on the website?</p> <p>24 MR. BAILEY: -- website, yes.</p> <p>25 MS. JEFFERSON: And we'll also send</p>	<p style="text-align: right;">Page 41</p> <p>1 an email to all of the elevator industry 2 representatives through MailChimp. And Lynn, 3 actually, she's instrumental -- those emails that 4 you-all receive as reminders on the meeting dates, 5 everyone who is registered with the Department to 6 receive notices that way, we can notify them as 7 well.</p> <p>8 CHAIRMAN FOX: Okay. All right. 9 Very good. Again, great work, guys. Thank you 10 very much.</p> <p>11 Mr. Hale, the amusement device 12 subcommittee update.</p> <p>13 MR. HALE: We have been meeting by 14 teleconference. We have had three teleconference 15 meetings. And the staff has been participating in 16 those meetings with us. We are looking at, in 17 particular, making sure that our rules and the 18 ASTM standards all agree, and then everything 19 agrees with the state law.</p> <p>20 We have particularly been looking at 21 insurance, the sections about insurance 22 requirements and accident reporting. We spent a 23 good bit of time working toward clarification and 24 having our rules agree with the ASTM standard for 25 accident reporting. And then we've addressed some</p>

<p style="text-align: right;">Page 42</p> <p>1 things about itineraries and device lists and 2 those types of things.</p> <p>3           It is still an ongoing process. We 4 hope to be ready when that May window is available 5 to us to provide some recommendations to changing 6 those amusement device rules.</p> <p>7           And I'll certainly make every effort 8 to make a colored chart and a handout with colors.</p> <p>9           MR. RADER: We're disappointed.</p> <p>10           MR. HALE: I know I've failed in my 11 duty there in not having the colored handout. At 12 any rate, the bar has been set by the Elevator 13 Subcommittee, and I will try my best to jump that 14 same hurdle.</p> <p>15           CHAIRMAN FOX: We had a question, 16 Mr. Bailey, that we were going to ask you. It 17 talks about the annual permits. And I've got to 18 get down in the weeds for just one second. It's 19 under the annual permits. And it talks about the 20 owner/managing operator amusement devices shall 21 file an itinerary with the exception of 22 rental-type companies, rental devices/inflatables 23 with the Board.</p> <p>24           Is that -- is this semantics? Is it 25 the Board, or is it the Amusement Device Safety</p>	<p style="text-align: right;">Page 43</p> <p>1 Unit?</p> <p>2           MR. BAILEY: Well, it would 3 typically be the Unit. Now, I don't know why 4 the -- what statute are you referring to?</p> <p>5           CHAIRMAN FOX: The 68-121-103(e). 6           MR. BAILEY: 103? 7           CHAIRMAN FOX: Well, it would be 8 under "Annual Permits." That's a section that we 9 have here.</p> <p>10           MS. JEFFERSON: Can I add, while 11 he's looking for that?</p> <p>12           CHAIRMAN FOX: Absolutely. 13           MS. JEFFERSON: In most of the 14 programs, some of the administrative duties are 15 placed on the boards. It's been that way for our 16 Prevailing Wage Commission, our Board of Boiler 17 rules. It's pretty much the same. And what we 18 have to do is go through and take a look at those 19 things, and that's what I've asked all the 20 supervisors to do, to take a look at the existing 21 legislation, the existing rules, to see if we need 22 to clean it up. Because, truly, we don't submit 23 that information to you-all. And I'm not sure if 24 you-all want to receive it. We could give you a 25 copy of it if you want to --</p>
<p style="text-align: right;">Page 44</p> <p>1           CHAIRMAN FOX: Can we say no? 2           MS. JEFFERSON: -- if you want to 3 receive it, but for, yeah, for administrative 4 purposes, we do need to go through and clean up 5 some of those statutes.</p> <p>6           CHAIRMAN FOX: Okay. And that's 7 why I was asking.</p> <p>8           MR. POPE: In reviewing it, it came 9 up, and we saw it, and it just didn't look like it 10 needed to go to us.</p> <p>11           CHAIRMAN FOX: And another thing we 12 weren't clear of, it's just, like, the 13 owner/manager of amusement device shall file an 14 amusement device list with the Board on a form 15 prescribed by the Commissioner no less than 16 30 days before the operation of an amusement 17 device or use by the public. And there's a couple 18 of instances in here where the 30 days or 120 days 19 may be acceptable. So we may need some guidance 20 on that, too, on what you-all -- administratively, 21 what you have to do. So we may come back to you 22 with that.</p> <p>23           But we do want to talk very seriously 24 about changing the definition -- not changing the 25 definition -- adopting the ASTM standard, as it</p>	<p style="text-align: right;">Page 45</p> <p>1 sits today, on the serious injuries or illness, 2 because that will change the reporting process.</p> <p>3           MS. JEFFERSON: Right. And those 4 things are in the law, I believe.</p> <p>5           MR. HARDY: The definition is in 6 the law.</p> <p>7           MS. JEFFERSON: So that would 8 require a legislative change.</p> <p>9           CHAIRMAN FOX: Okay. 10           MS. JEFFERSON: So that's something 11 that, of course, you could present to the 12 department, like we've always done, present that 13 to the department, and everyone can take a look at 14 it to make sure that that's -- you know, everybody 15 is on the same page, as far as all those things 16 are concerned.</p> <p>17           CHAIRMAN FOX: Correct. But as 18 ASTM has changed, so has the definition changed. 19 So if we adopted the ASTM rules or ASTM standards, 20 then would that not be applicable to the change of 21 the definition of serious injury or illness? 22           MR. BAILEY: No, not until the 23 statute is changed. The statute will trump the 24 rules. 25           CHAIRMAN FOX: Okay. So we need to</p>

<p style="text-align: right;">Page 46</p> <p>1 bring you a recommendation to change.</p> <p>2 MR. BAILEY: Yes, sir.</p> <p>3 CHAIRMAN FOX: All right. I think</p> <p>4 you shall have it.</p> <p>5 What else did we miss, Mr. Hale?</p> <p>6 Please continue. I'm sorry.</p> <p>7 MR. HALE: I think that's all I</p> <p>8 have.</p> <p>9 CHAIRMAN FOX: Okay. All right.</p> <p>10 Any other board --</p> <p>11 James Roy, did you have anything on</p> <p>12 that that we need to --</p> <p>13 MR. POPE: Not at this time.</p> <p>14 CHAIRMAN FOX: Okay. All right.</p> <p>15 Under new business, a variance for</p> <p>16 the Elevator Unit. John Sevier State Office</p> <p>17 Building. Those that would like to speak to that,</p> <p>18 please come to the table and give us your name,</p> <p>19 address, and phone number.</p> <p>20 Are you representing KONE as well or --</p> <p>21 MR. YARBROUGH: It's actually</p> <p>22 Nashville Machine.</p> <p>23 CHAIRMAN FOX: I'm sorry?</p> <p>24 MR. YARBROUGH: Nashville Machine.</p> <p>25 CHAIRMAN FOX: Okay. Well, mine</p>	<p style="text-align: right;">Page 47</p> <p>1 says...</p> <p>2 Okay. Please continue, sir.</p> <p>3 MR. YARBROUGH: Larry Yarbrough,</p> <p>4 Nashville Machine Elevator. What else did you say</p> <p>5 I needed to give?</p> <p>6 CHAIRMAN FOX: Address and phone</p> <p>7 number, sir.</p> <p>8 MR. YARBROUGH: Okay. 145 Golden</p> <p>9 Meadow Drive, Franklin, Tennessee. (615)780-9591.</p> <p>10 CHAIRMAN FOX: Thank you, sir.</p> <p>11 Please continue.</p> <p>12 MR. YARBROUGH: Okay. First, I've</p> <p>13 got handouts for around the room here.</p> <p>14 (Documents tendered to board</p> <p>15 members.)</p> <p>16 Like I said, I'm with Nashville</p> <p>17 Machine Elevator. I'm a project manager on a</p> <p>18 modernization project here in the city. And so</p> <p>19 I'm speaking somewhat on behalf of the State of</p> <p>20 Tennessee Department of General Services, which</p> <p>21 owns, manages, whatever, legally with this</p> <p>22 building and HRF Design, the architect of record</p> <p>23 on the project. Hardaway Construction is the</p> <p>24 general contractor.</p> <p>25 Overview is there are three existing</p>
<p style="text-align: right;">Page 48</p> <p>1 gearless elevators in this building, 2500-pound</p> <p>2 capacity at 500 feet per minute. The State is</p> <p>3 renovating this building and, as part of the</p> <p>4 complete renovation of the building, the elevators</p> <p>5 are being modernized and additional elevators</p> <p>6 being added. The architects could speak more to</p> <p>7 this, but it's a historic building. It was built</p> <p>8 in the late '30s, I believe, and every effort is</p> <p>9 being made to maintain, as much as possible, the</p> <p>10 historic aspects of the building, the fixtures,</p> <p>11 the finishes, flooring, plaster work, et cetera,</p> <p>12 et cetera. I'm not claiming to be an architect.</p> <p>13 If you have any questions on that, they're</p> <p>14 certainly here to represent the overall nature of</p> <p>15 the building.</p> <p>16 Elevators 1 and 2 are existing and</p> <p>17 will be modernized to A17.3. Elevator Number 3 is</p> <p>18 existing, but will be virtually removed. The only</p> <p>19 remaining equipment on Elevator Number 3 will be</p> <p>20 the hoistway entrances, the door panels that you</p> <p>21 see when you stand in the lobby and look at that</p> <p>22 elevator.</p> <p>23 Everything else on that elevator will</p> <p>24 be removed and replaced with a new traction</p> <p>25 machine-@52:05 type elevator. Elevator Number 4</p>	<p style="text-align: right;">Page 49</p> <p>1 is a completely new elevator, and I only mention</p> <p>2 it because it's part of the project but it's not</p> <p>3 part of this variance request. It's an entirely</p> <p>4 new elevator going into a partly existing elevator</p> <p>5 hoistway. The hoistway is being heavily modified</p> <p>6 for this new elevator.</p> <p>7 MR. BAILEY: May I ask a quick</p> <p>8 question? On the second bullet point, Elevator 3,</p> <p>9 the second sentence, "A new will" --</p> <p>10 MR. YARBROUGH: "A new elevator."</p> <p>11 Sorry.</p> <p>12 MR. BAILEY: That should be</p> <p>13 "elevator"?</p> <p>14 MR. YARBROUGH: Yes, sir. Sorry.</p> <p>15 So the issue that we're presenting</p> <p>16 here today is that on Elevators 1, 2, and 3, as</p> <p>17 shown in the pictures and drawings there, the door</p> <p>18 panels are not smooth. They're not flush all the</p> <p>19 way across the surface. They have what I call</p> <p>20 raised panel-type design like you often see around</p> <p>21 the -- on paneling and things in buildings. So</p> <p>22 the doors have that effect even though they are</p> <p>23 made out of steel.</p> <p>24 The pictures and drawings show -- you</p> <p>25 can get an idea of what that -- the type of</p>

<p style="text-align: right;">Page 50</p> <p>1 depressions they have in the door panels.  2 Elevators 1 and 2 being modernized to  3 A17.3, that elevator code, I think, as I read  4 it -- and certainly Chris can comment, and  5 others -- doesn't require that the door panels be  6 flush and smooth. So those door panels on  7 Elevators 1 and 2 will remain in place when we  8 modernize the elevators. That's our intent at  9 this point, of course, subject to Chris and his  10 staff.  11 Elevator Number 3, the door panels  12 are existing, but the elevator is basically  13 completely new and will be installed to the A17.1,  14 2010 code. And in that code, as referenced below,  15 down in the variance request -- I won't read it --  16 but it basically says new elevators such as this  17 shall not have depressed areas on the door panels.  18 I don't necessarily want to read into the intent  19 in the code, but I think it's a pinch hazard  20 concern, that if you have sliding door panels and  21 they're heavily depressed, that you could have a  22 snag hazard. But, anyway, that's what the code  23 says. I guess I should leave out my editorial  24 comments.  25 But the door panels that we, the</p>	<p style="text-align: right;">Page 51</p> <p>1 State, the architects, would like to leave in  2 place don't meet the letter -- don't meet the  3 exact requirements of the rule there, 211.11.5.5  4 by a very slight amount. But that's the point of  5 our request. So the request before you by the  6 State of Tennessee and by the architects is that  7 the door panels on Elevator Number 3 be allowed to  8 remain in place when we put in new -- the new  9 elevator.  10 And, of course, I'm open to any  11 questions and further explanations.  12 MS. O'CONNOR: I have a question on  13 this. So if I'm understanding correctly, these  14 doors are approximately 90 years old, right, give  15 or take?  16 MR. FARMER: Probably not. When  17 the building was built, they probably didn't have  18 elevators put in. They were probably added later.  19 They could have been at some -- I'm sure they've  20 been remodeled, but our records don't go back that  21 far.  22 MS. O'CONNOR: Okay.  23 MR. FARMER: But they're at  24 least --  25 MS. O'CONNOR: They're old.</p>
<p style="text-align: right;">Page 52</p> <p>1 MR. YARBROUGH: Yeah. They're 70  2 to 80 years old, yes. Uh-huh.  3 MS. O'CONNOR: So do we have any  4 record of having had problems --  5 MR. FARMER: It's funny you asked.  6 I checked.  7 MS. O'CONNOR: Any kind of  8 accidents because of these doors --  9 MR. FARMER: No.  10 MS. O'CONNOR: -- in 60, 70 years?  11 MR. FARMER: Well, our records  12 don't go back that far. We don't keep records for  13 that long. But for as long as it lets us keep  14 them, we have no accidents on record.  15 MS. O'CONNOR: Thank you.  16 MR. LaPORTE: Question: Is this  17 typical at all floors or we're just talking lobby?  18 MR. YARBROUGH: There are 17  19 locations where these existing -- well, on this  20 Elevator Number 3, there are eight locations that  21 have doors like this. On Elevators 1 and 2, which  22 will remain in place, there are another 10 or so.  23 It would be a total of 17 doors that have this  24 depressed handle.  25 MR. LaPORTE: More or less, it's</p>	<p style="text-align: right;">Page 53</p> <p>1 all landings.  2 MR. YARBROUGH: Yes, it is.  3 MR. LaPORTE: It's not just the  4 lobby situation.  5 MR. YARBROUGH: Uh-huh. Correct.  6 CHAIRMAN FOX: Anything else, sir?  7 MR. YARBROUGH: Not by me.  8 CHAIRMAN FOX: Mr. Farmer, what is  9 our position?  10 MR. FARMER: Well, my position is  11 there's never been an issue in our records. For  12 as-stated reasons, I see no reason why we wouldn't  13 grant a variance. That's just my thought. With a  14 history of nothing happening, why wouldn't you  15 not, so it don't hurt -- you know...  16 CHAIRMAN FOX: That would be your  17 recommendation?  18 MR. FARMER: That would be my  19 recommendation.  20 CHAIRMAN FOX: Okay.  21 MR. BAILEY: Mr. Chairman?  22 CHAIRMAN FOX: Sir?  23 MR. BAILEY: I should've asked if  24 there's any conflicts.  25 CHAIRMAN FOX: There is one.</p>

<p style="text-align: right;">Page 54</p> <p>1 MR. FARMER: No. That was two 2 bullet points. One was KONE's variance. This is 3 Nashville Machine's variance. We won't have any 4 conflict on this one. 5 CHAIRMAN FOX: So you do not. 6 MR. LaPORTE: Not with this one, 7 no. 8 CHAIRMAN FOX: Okay. 9 MS. JEFFERSON: I have a question. 10 You had mentioned the snags, the issues with the 11 snags... 12 MR. YARBROUGH: I assume that 13 that's what the code rule is, the intent of it is, 14 but I probably shouldn't have even mentioned that. 15 It's just my own reading of the code rule and my 16 experience in discussing it. 17 MS. JEFFERSON: Okay. Because I 18 was just curious as to whether or not that had 19 been a factor in the past. And Chris, you 20 mentioned that there have been no accidents in the 21 past, so I just wanted to touch on that as much 22 as -- 23 MR. RADER: Have we given a 24 variance in the past, Chris, on elevator doors 25 that were not smooth?</p>	<p style="text-align: right;">Page 55</p> <p>1 MR. FARMER: Not that I remember. 2 I'm sure somewhere somebody has, you know, but I 3 never have. 4 MR. MOORE: And if I understand it 5 correctly, from what I know about coded, if you 6 look at the picture -- or especially the last 7 photo -- this is allowable, as long as it's the 8 adjacent panel that's no further away. The only 9 place I see that there is a possible conflict is 10 at the top and the bottom of the door where it 11 steps straight down; in other words, if they were 12 at that same step, like at the sides -- am I 13 correct in that, Chris? 14 MR. FARMER: Please keep in mind 15 there's going to be two other elevators right next 16 to these doors that they're not modernizing to the 17 point where they have to meet the latest and 18 greatest code or the code we're under. So we're 19 saying it's okay for them to be in place, 20 existing -- 21 MR. MOORE: Yes. 22 MR. FARMER: -- but this new one is 23 what we're making a determination on. So whether 24 you-all grant the variance or not, we're still 25 going to have two that have these panels in it.</p>
<p style="text-align: right;">Page 56</p> <p>1 So it's this third one they're going to modernize 2 to the point where we have to bring it up to the 3 later and greater code. 4 MR. MOORE: So the snag hazard 5 is -- from Larry's perspective -- it's at the top 6 and the bottom, but the doors are moving 7 horizontally, so it's, basically, nonexistent. 8 And that's just my opinion and interpretation of 9 the code, the -- 10 MR. POPE: Just the vertical lines, 11 isn't it? 12 CHAIRMAN FOX: Yes. 13 MR. MOORE: Yes, the vertical 14 lines, and it's moving horizontal. And those fall 15 within the 1/8 inch, so they are aligned. 16 MR. LaPORTE: I think, though, it's 17 overall depression. So it's horizontal also. The 18 hazards are just split to a point -- 19 MR. MOORE: The reason I said that 20 is because it says adjacent panel. So it's, you 21 know -- if you had the same step-up, from the top 22 and bottom, I believe you would be well within 23 that, because it -- 24 MR. LaPORTE: Well, the way these 25 handles are designed, there's three 1/8-inch</p>	<p style="text-align: right;">Page 57</p> <p>1 steps. The overall depression is 3/8 of an inch. 2 MR. MOORE: Right. 3 MR. LaPORTE: That does not meet 4 the current code. 5 MR. MOORE: Right. 6 MR. LaPORTE: So even horizontal 7 movement would not be code today. 8 MR. MOORE: Right. 9 MR. LaPORTE: The hazard here is 10 not so much a snag but a pinch point. And usually 11 you're talking about a child's fingers. And so if 12 a child is holding his hand up against that door 13 as it's opening, it can get pinched in that 3/8 of 14 an inch. Even though there's some steps that may 15 deflect the hand away, it's still 3/8 of an inch. 16 So I guess you have to consider here, 17 too, the traffic and the usage throughout the 18 building. I hate to say it, because it hasn't 19 happened yet and it's never going to happen, so it 20 should be okay, but there's not much in the way of 21 child traffic moving through this building, and I 22 get the importance of historic preservation. So 23 personally, I would not have a problem granting 24 this variance, but I just did want the Board to 25 understand that it's not just at the top and</p>

<p style="text-align: right;">Page 58</p> <p>1 bottom. It is the full --</p> <p>2 MR. MOORE: But is that not what it</p> <p>3 means under A17.1, 2010, under that rule on the</p> <p>4 second page? I mean, it says "from the adjacent</p> <p>5 area." So "adjacent," meaning beside,</p> <p>6 horizontally, is that not how the State would</p> <p>7 interpret that, Chris, that the adjacent,</p> <p>8 meaning --</p> <p>9 MR. FARMER: The adjacent area is</p> <p>10 the area right next to.</p> <p>11 MR. MOORE: Yes. And the steps</p> <p>12 actually fall within that, am I correct? It's</p> <p>13 just basically the lift at the top and the bottom</p> <p>14 where it is a 3/8 inch. And that's where it does</p> <p>15 not meet.</p> <p>16 MR. FARMER: Because it's looking</p> <p>17 at 1/4 inch -- or, I'm sorry, an 1/8 of an inch</p> <p>18 steps, is what it's looking like.</p> <p>19 MR. MOORE: Yes, from adjacent</p> <p>20 side. And where it does not --</p> <p>21 MR. FARMER: So it allows 1/8-inch</p> <p>22 step-downs.</p> <p>23 MR. MOORE: Yes. And it's just at</p> <p>24 the top and the bottom where it goes straight down</p> <p>25 from flat, and then takes a 90-degree turn down to</p>	<p style="text-align: right;">Page 59</p> <p>1 3/8 of an inch.</p> <p>2 MR. FARMER: I would agree with</p> <p>3 you, Larry.</p> <p>4 MR. MOORE: At least that's the way</p> <p>5 I read that.</p> <p>6 MR. LaPORTE: I guess we have a</p> <p>7 different interpretation. But that's okay. But,</p> <p>8 I mean, in either way, I would still not be</p> <p>9 opposed, not personally, to granting a variance</p> <p>10 here.</p> <p>11 CHAIRMAN FOX: This is the beauty</p> <p>12 of having you guys on the Board. This is great.</p> <p>13 Okay. I will entertain a motion.</p> <p>14 MR. RADER: I'll make a motion to</p> <p>15 approve the variance.</p> <p>16 MS. O'CONNOR: I'll second it.</p> <p>17 CHAIRMAN FOX: We have a second.</p> <p>18 Are there any conflicts of interest</p> <p>19 referenced to this particular issue?</p> <p>20 (No verbal response.)</p> <p>21 CHAIRMAN FOX: All in favor of the</p> <p>22 motion -- we have a motion and a second. All in</p> <p>23 favor of the motion, let it be known by saying</p> <p>24 "aye."</p> <p>25 (Affirmative response.)</p>
<p style="text-align: right;">Page 60</p> <p>1 CHAIRMAN FOX: All opposed, like</p> <p>2 sign.</p> <p>3 (No verbal response.)</p> <p>4 CHAIRMAN FOX: Motion carries.</p> <p>5 MR. FARMER: We'll make a note in</p> <p>6 the system that this variance has been approved</p> <p>7 and it will be passed along to the inspector.</p> <p>8 MR. YARBROUGH: Thank you very</p> <p>9 much.</p> <p>10 CHAIRMAN FOX: Thank you, sir.</p> <p>11 The KONE group. Sir, please state</p> <p>12 your name, address, and phone number.</p> <p>13 MR. CHURCH: Mike Church, 948-A</p> <p>14 Clayton Avenue, Nashville, Tennessee 37204.</p> <p>15 (816) 365-8037.</p> <p>16 CHAIRMAN FOX: Thank you.</p> <p>17 MR. CHURCH: You're welcome.</p> <p>18 CHAIRMAN FOX: Please present.</p> <p>19 MR. LaPORTE: Mr. Chairman?</p> <p>20 CHAIRMAN FOX: Sir?</p> <p>21 MR. LaPORTE: Before he proceeds,</p> <p>22 this is the variance that I need to recuse myself</p> <p>23 from because I work for the same company as</p> <p>24 Mr. Church, so I'll excuse myself from this</p> <p>25 discussion.</p>	<p style="text-align: right;">Page 61</p> <p>1 MR. CHURCH: Okay. KONE is</p> <p>2 involved in a project called the Courtyard by</p> <p>3 Marriott on West End. We are replacing two</p> <p>4 hydraulic elevators with a machine room-less</p> <p>5 elevator. And this is a trend where the industry</p> <p>6 is moving towards in order to eliminate the</p> <p>7 hydraulic, which KONE -- and I won't speak for the</p> <p>8 rest of the industry -- but most of the industry</p> <p>9 feels is a safer, more environmentally friendly</p> <p>10 and more efficient elevator system.</p> <p>11 Okay. What happens when we're</p> <p>12 replacing a hydraulic elevator, the code calls for</p> <p>13 a 4-foot 48-inch toe guard on the elevator.</p> <p>14 Now, the hydraulic elevator pits are</p> <p>15 48 inches. So when we come to the bottom floor</p> <p>16 and we have overtravel of 6 inches plus</p> <p>17 2 1/2 inches for our stroke, we would contact the</p> <p>18 pit floor with our toe guard, which is a violation</p> <p>19 of our interpretation of the rule.</p> <p>20 So KONE has proposed three solutions</p> <p>21 to this issue; one, we've developed and engineered</p> <p>22 a retractable toe guard. And the retractable toe</p> <p>23 guard will make contact with the pit floor and</p> <p>24 retract. And then as we're traveling through the</p> <p>25 hoistway, we will guard, if the elevator had</p>

<p style="text-align: right;">Page 62</p> <p>1 unintended movement, the full 48-inches of the  2 opening required by the code. Now, the toe guard  3 comes with safety switches that tells our  4 controller if it's not retracted. And if it's not  5 covering the full 48 inches of the code, it won't  6 allow the elevator to run.</p> <p>7           When it's approaching the floor and  8 hits the floor, it'll have a safety switch on it  9 that will tell if it's okay to retract. So if  10 it's not retractable, it will tell the elevator  11 not to run. So that's the preferred method of  12 what KONE recommends.</p> <p>13           Second, we can trench the front of  14 the pit out the width of the door opening, which  15 is what the toe guard protects, an additional  16 12 inches down. So we'd have a 60-inch total from  17 the seal to the bottom of the pit where the toe  18 guard would go into as the elevator comes down to  19 the floor.</p> <p>20           Okay. Not what we feel is the  21 totally safest methodology to do it because we  22 create a tripping hazard, safety hazard, in the  23 pit. Because when anyone, inspectors, elevator  24 technicians that go into the pit to do their  25 maintenance and inspections, they come down</p>	<p style="text-align: right;">Page 63</p> <p>1 backgrounds off the pit ladder, and the trench  2 would be directly behind them. But it is an  3 option.</p> <p>4           The third method option that we're  5 suggesting to the Board and asking for a  6 variance -- and we're prepared to do either one of  7 these three solutions -- is to provide not a full  8 48-inch toe guard, but a 39 1/2-inch toe guard  9 where we would protect the whole opening if the  10 elevator was to move away from the bottom floor,  11 except for 8 1/2 inches. And I think the industry  12 has determined that a fall hazard is 12 inches, so  13 we're within the realm of what is defined by our  14 industry as a fall hazard.</p> <p>15           CHAIRMAN FOX: Okay. Anything  16 else, sir?</p> <p>17           MR. CHURCH: No.</p> <p>18           CHAIRMAN FOX: Okay. Mr. Farmer?</p> <p>19           MR. FARMER: This one is a little  20 tougher, in my opinion. We've had this before,  21 and I tried to do a little research. I couldn't  22 find the results of what our last variance was.  23 But this is an occurrence that's probably going to  24 happen a lot. Because as these hydraulic  25 elevators get older, they are replacing them with</p>
<p style="text-align: right;">Page 64</p> <p>1 these eco-friendly traction elevators. So this --  2 I don't want to put pressure on this vote or this  3 variance but this may set a precedence from here  4 on out, what we do -- well, not me personally, but  5 what y'all do.</p> <p>6           So with saying that, the trench idea  7 in the front is a lot of problems, in my opinion.  8 For one, I know this job. I've been on this job.  9 It's got a dry pit. And naturally, you start  10 busting concrete out in the pit four foot down,  11 you're liable to hit water and then pits fill up.  12 So I think, in my opinion, I would not recommend  13 that at all. And not only just saying it's an  14 ankle twister, you put a hole in front of people  15 for people to work in, they could trip and fall in  16 it, and it could hurt you.</p> <p>17           The retractable toe guard, they make  18 it so apparently, in some states, they allow this  19 to happen. But it is definitely a 180 from what  20 the code says. The code says nothing can hit the  21 pit floor when a fully stroked buffer. So you're  22 going directly against what the code recommends.</p> <p>23           My recommendation, if we allow  24 anything, it would be the 39 1/2-inch toe guard.  25 To give you some understanding of an elevator when</p>	<p style="text-align: right;">Page 65</p> <p>1 it shuts down above floor and they have to rescue  2 people out of the elevator, sometimes they pull  3 them out of the door. And if you don't have the  4 extended toe guard, it leaves an access or a  5 gaping hole that people fall down in. We had an  6 accident in Vanderbilt where a gentleman was  7 trying to get out of the elevator. He fell down  8 the elevator hoistway because they didn't have a  9 long enough toe guard.</p> <p>10           So it's -- I don't know the OSHA  11 standards for a fall hazard or any other standard  12 for a fall hazard, but you are limited, with a  13 39 1/2-inch toe guard. That would be my  14 recommendation, if there's any at all.</p> <p>15           CHAIRMAN FOX: So your  16 recommendation would be to deny part of it, or...</p> <p>17           MR. FARMER: Well, let me back up  18 just a little bit. So there's testing we do every  19 year. It's Category 1 testing. They can actually  20 test to make sure this thing is -- the unintended  21 motion is working. Because what it's got to do,  22 if it detects a fault in the elevator and it's  23 floating away from the floor, it's got to actuate  24 the unintended motion within 12 inches, and it's  25 got to set within 48. So if you've got an</p>

<p style="text-align: right;">Page 66</p> <p>1 elevator that's floating, it's actually got to set 2 and hold within 48 inches. So that's where the 3 48-inch toe guard comes in. It completely covers 4 the hole of where the testing requires. 5           So if we could probably do something 6 like allow the 39 1/2-inch toe guard and verify 7 every year that it's setting within that 8 39 1/2 inches and go back to the MCPs -- it's 9 going to be written in them -- that they tested it 10 and it stays within that parameter every year. 11           I know that's a lot. I'm sorry. 12           MR. BAILEY: I'm not exactly sure 13 what this toe guard does, but you asked about fall 14 hazards. And in TOSHA general industry, you've 15 got to be protected if you're four feet or above. 16           MR. FARMER: Okay. 17           CHAIRMAN FOX: Yeah, 48 inches. 18           MR. BAILEY: I don't know if that's 19 why a 48-in toe guard was -- 20           MR. FARMER: Well, it could be, but 21 it's -- it's -- it's hard to explain, though. If 22 an elevator is sitting there and it floats away 23 from the floor, this guard, it projects down below 24 the elevator in the front side. So if your 25 hoistway doors are open and this elevator starts</p>	<p style="text-align: right;">Page 67</p> <p>1 floating away, if you don't have that guard, then 2 there's an opening there for anyone to fall in. 3 And believe it or not -- 4           MR. RADER: Between the hoistway 5 wall and the door itself? 6           MR. FARMER: Yes. Yes. And that's 7 happened before. It's not unheard of. It's rare. 8 Don't get me wrong. It's only, that I know of, 9 ever happened once here in the state of Tennessee. 10 And we have adopted codes to protect against this 11 now. So it's -- this is a big deal, because I 12 think, going forward, there's going to be a lot of 13 these, so we need to -- you need to take your time 14 and come up with a scenario that works. 15           I like the 39 1/2-inch toe guard. I 16 don't know if that would work on every 17 application. Do you think it would? 18           MR. CHURCH: Right now, that would 19 be a parameter for 150 foot a minute, right? 20 Because we have 6 inches of under travel, the run 21 by, and then typically our buffer stroke is 22 2 1/2 inches. So that's where the 8 1/2 comes 23 from. 24           MR. FARMER: So it wouldn't work on 25 every scenario.</p>
<p style="text-align: right;">Page 68</p> <p>1           CHAIRMAN FOX: Would or would not 2 work on every scenario? 3           MR. FARMER: Would not work. 4           CHAIRMAN FOX: Okay. 5           MR. FARMER: And you could do it 6 case by case. But I just, you know -- and this is 7 going to happen again. This is going to keep -- 8 and we've actually talked before about maybe 9 revising some type of local AHA code or law or 10 rule that would says you don't have to come in 11 front of you guys to get this variance. This is 12 how we're going to treat this every time. That 13 may be something in the future you work on. 14           But for this one, I recommend we do 15 the 39 1/2 inch and we verify it every year 16 through CAT 1 testing and it's logged, and we make 17 sure that it stays within that. That's what I 18 recommend. 19           CHAIRMAN FOX: Okay. Any 20 discussion from the Board? 21           MR. MOORER: Anything about 22 deferring it so we can look at it more? 23           MR. FARMER: I mean, they've 24 already applied for a permit for these jobs. I 25 actually permitted these elevators with the</p>	<p style="text-align: right;">Page 69</p> <p>1 variance in mind. I put it on there. So worse 2 case scenario, we do the trench. Trenching is 3 really not against the code, but it's really not 4 recommended. It's not something we want to do. 5           CHAIRMAN FOX: Okay. All right. I 6 would entertain a motion. 7           MR. POPE: I make a motion. 8           MS. O'CONNOR: Second it. 9           CHAIRMAN FOX: We have a motion and 10 a second. Any discussion? 11           (No verbal response.) 12           CHAIRMAN FOX: Hearing none, all in 13 favor of the motion, let it be known by saying 14 "aye." 15           (Affirmative response.) 16           CHAIRMAN FOX: All opposed, like 17 sign. 18           (No verbal response.) 19           CHAIRMAN FOX: 39 1/2-inch, sir. 20           MR. CHURCH: Okay. 21           CHAIRMAN FOX: Thank you. 22           Okay. Item Number 10, going back to 23 the licensing elevator contractors and individuals 24 performing work on elevators. Sir, Mr. LaPorte? 25           MR. LaPORTE: Yes, sir. So</p>

<p style="text-align: right;">Page 70</p> <p>1 continuing, would you like to discuss the 2 reasoning behind it, sir, or how to look at seeing 3 it --</p> <p>4           CHAIRMAN FOX: Yes.</p> <p>5           MR. LaPORTE: So currently, as I 6 said before, there is no licensing. Typically, an 7 elevator mechanic becomes the mechanic in a fairly 8 short amount of time. And as of right now, 9 depending on when that may have been -- for 10 example, I became a mechanic in 1987, and there is 11 not one minute of continuing education that has 12 been required from me to continue being a 13 mechanic. As you can imagine, the technology and 14 the codes have changed quite a bit since 1987.</p> <p>15           To keep up with the technology, as 16 the industry has progressed, is very important, 17 because the elevators themselves have changed a 18 lot. They have gone a lot more from hands-on 19 maintenance, where people were actually touching, 20 looking at the elevators on a much more frequent 21 basis, to testing.</p> <p>22           A lot of the equipment has become 23 more maintenance free, like everything else. So 24 the testing and inspection has become much more 25 substantial than what it was in the past. So to</p>	<p style="text-align: right;">Page 71</p> <p>1 ensure that people working on elevators are 2 keeping up with those methodologies and keeping up 3 with the technology and then as we hopefully move 4 to this code with MCP, that we ensure that it's 5 being done properly by Chris's team as they go out 6 to do inspections, the licensing would be, we 7 feel, the absolute method that is done.</p> <p>8           You know, as far as how that could 9 would look, what we kind of talked about was the 10 initial inception is not requiring people to take 11 tests or anything like that. I think we can be 12 comfortable with just years of experience as 13 inception to get your initial license. Typically, 14 five years of experience working on elevators is 15 what other states have done to allow people to be 16 licensed.</p> <p>17           The continuing education piece I 18 mentioned before, standard is ten hours per year. 19 What we would like to specify on that, though, is 20 eight hours of that would be technical training. 21 Other states allow some other things that we 22 didn't think was a good idea. For example, other 23 states will allow eight hours of a company's 24 safety training. They're going to do that anyway, 25 so they need to understand how to safely work on</p>
<p style="text-align: right;">Page 72</p> <p>1 elevators. So we want to specify that that's 2 technical, and then, again, two hours of code 3 training. There are many, many areas available to 4 obtain that training.</p> <p>5           Chris had mentioned before he's doing a 6 code training session in-house here, but there are 7 two-hour webinars that somebody can sit at home on 8 their computer for two hours and get that done and 9 satisfy the requirement.</p> <p>10           The license itself may be a lot to 11 manage, or if we did an annual license, we talked 12 about letting people carry a license for a period 13 of two or three years, even. But when they go to 14 renew that, the license would show that they did 15 this annual training.</p> <p>16           The license we felt would be managed by 17 the elevator group cost, again, we don't need this 18 to cost to the State any, but I think it could be 19 done at a pretty minimal cost to those people 20 working on elevators, and the cost of the 21 education. And again, we're only talking 22 ten hours a year would really be pretty minimal.</p> <p>23           This would also help the State in cases 24 where people are not doing things correctly. The 25 testing, there's been a lot of cases that I'm not</p>	<p style="text-align: right;">Page 73</p> <p>1 saying the same in Tennessee, but just 2 historically in the industry, where people have 3 gone and filled paperwork out and never completed 4 the test. As of right now, we really don't have 5 any way to hold those people accountable. So 6 again, that would be up to Chris's group, but we 7 can do a 30-day suspension on a first offense, a 8 warning, eventually you could pull a license if 9 somebody becomes a repeat offender on things like 10 that. But again, it would be a way to ensure that 11 the people that are working on elevators that move 12 thousands of people per day in the state know what 13 they're going, they're getting training, and they 14 understand the codes that we need to be operating 15 under.</p> <p>16           CHAIRMAN FOX: Okay.</p> <p>17           MR. FARMER: Can I say something, 18 Chairman?</p> <p>19           CHAIRMAN FOX: Sure.</p> <p>20           MR. FARMER: Right now, I'm getting 21 at least two calls a week from out-of-state 22 contractors wanting to come and do business in the 23 state of Tennessee. And right now, they have to 24 register with this department, is all they have to 25 do, to come up here -- I mean, I guess, a business</p>

<p style="text-align: right;">Page 74</p> <p>1 license and the insurance and all that would be 2 advised, but to do business in the state of 3 Tennessee, all they have to do is register with 4 the Department of Labor. That's all you have to 5 do.</p> <p>6           And to me, I want to know who's 7 working on -- I'm sure the public wants to know 8 who's working on -- and this is something that we 9 should not be embarrassed about, but we're way 10 behind times not having something in place 11 already. So at a minimum, we need to know who's 12 doing what. And I think that, you know, when you 13 get to suspending, that's where it's going to get 14 scary. You're talking about taking food out of 15 people's mouths. Or, you know, if you're 16 suspending an elevator mechanic for doing 17 something wrong -- and don't get me wrong. If 18 they're not doing their job, they need to be held 19 accountable. But where you're going to get the 20 scary part is how are you holding them 21 accountable? Are you sending this person home and 22 he can't draw a paycheck for a month, or are you 23 fining this elevator company \$10,000 for doing 24 something, you know, unethical. So it's a lot of 25 legwork.</p>	<p style="text-align: right;">Page 75</p> <p>1           I put a little bit together already 2 of some states, what they're doing. I haven't 3 finished it yet. I hope I can finish it before I 4 leave, to get what other states are mandating or 5 regulating. You really need to take that into 6 consideration, how we're going to hold them 7 accountable.</p> <p>8           You know, it's easy to say you're 9 going to have to get this education. You've got 10 to be a mechanic. You've got to be licensed. But 11 when it comes down to giving the State the teeth 12 to make them do what's right, is where you're 13 going to have to get it right.</p> <p>14           I got my two cents' worth in. I'm 15 sorry.</p> <p>16           CHAIRMAN FOX: Mr. Hale?</p> <p>17           MR. HALE: First, let me say you 18 have to have a license to be an electrician; you 19 have to have a license to be a plumber, so --</p> <p>20           MR. FARMER: You've got to have a 21 license to cut hair.</p> <p>22           MR. HALE: That's right. That's 23 right. You've got to have a license to be a 24 barber. It seems to me to follow good logic that 25 you should have a license to repair an elevator.</p>
<p style="text-align: right;">Page 76</p> <p>1           MR. FARMER: Yes.</p> <p>2           MR. HALE: Is this a law change?</p> <p>3           MR. BAILEY: Yes, sir. The Boiler 4 Unit, there is a section of the Boiler Act that's 5 called the Boiler Erectors and Repairers Act. And 6 the boiler repair people have to be licensed. And 7 you know -- but basically, it's exactly what 8 you're talking about except it's for boilers. The 9 elevator section doesn't have that.</p> <p>10           MR. HALE: So again, you have to be 11 licensed to work on a boiler. You have to be 12 licensed to inspect a carnival ride. It's good 13 logic to me that you should be licensed to do that 14 job as well.</p> <p>15           MR. RADER: Well, up until today, I 16 guess, ignorance is not a good defense, but I 17 didn't know that elevator people weren't licensed.</p> <p>18           MR. FARMER: I think you can 19 probably do research on what states have done 20 what.</p> <p>21           MR. RADER: I think that's a good 22 idea.</p> <p>23           MR. FARMER: There's probably 24 people in this audience -- the ex-chief of Texas 25 could help us out on what Texas does or, you know,</p>	<p style="text-align: right;">Page 77</p> <p>1 reach out to other states. And if they've got 2 something that works, just model after what they 3 have and follow suit and put our Tennessee twist 4 on it, if we need to, you know, to -- I mean, it's 5 needed. And I'm not trying to be the elevator 6 police, you know, or elevator mechanic police, you 7 know, but for somebody -- and I get calls, I'm 8 telling you, at least once a week, maybe twice a 9 week, of people that I don't know want to do 10 business in the state of Tennessee, and they want 11 to work on elevators that my kids will ride. And 12 I think we need somebody policing them a little.</p> <p>13           MR. HALE: Are there normally 14 reciprocal agreements? If you're licensed, let's 15 say, in Texas, you can apply your training from 16 Texas --</p> <p>17           MR. FARMER: Yeah, I've seen that. 18 What most the time, what they supply me with -- I 19 want to get their information to put in the 20 system, so they usually send me a license from 21 their home state, is what I'm usually seeing, 22 so...</p> <p>23           MR. LaPORTE: Typically, if you 24 work in multiple states, you have to carry a 25 license for each state. But for the inception, to</p>

<p style="text-align: right;">Page 78</p> <p>1 get a Tennessee license, if you carried a license  2 from another state, that's normally what going to  3 meet our requirements, so we would accept that.  4 So I think the biggest burden, of what I said, how  5 to police them and what's the penalty, and now not  6 to exclude Eastman, their type people.  7           And not to call you out directly, but  8 they have a rare circumstance where they work on  9 their own elevators. So you've got to build this  10 where you don't exclude them, because, I'm telling  11 you, my inspectors went up -- five of my  12 inspectors, to inspect their elevators. They said  13 they're got the best running elevators in the  14 state there, maintained elevators. So we wouldn't  15 want to penalize Eastman in this because they work  16 on their own elevators. So it's a burden of the  17 Board or the law of how we can keep from burdening  18 them.  19           I'm sorry. I got back on my milk  20 crate for a few minutes.  21           CHAIRMAN FOX: It's okay. A little  22 soapbox don't hurt.  23           MR. RADER: Couldn't y'all do some  24 research, Chris, on what other states like you  25 were talking about --</p>	<p style="text-align: right;">Page 79</p> <p>1           MR. FARMER: Yes. That's what I'm  2 saying. I'll try to finish that.  3           MR. RADER: -- and bring that back  4 to the Board --  5           MR. FARMER: Yes.  6           MR. RADER: -- and then we can have  7 some recommendations and some discussions?  8           MS. O'CONNOR: And I would include  9 that, with accountability, we plug in some fines.  10 I mean, not to be the financial person here, but  11 we do want to have this be self-sufficient and  12 self-sustaining, and that's one measure of  13 accountability, is if you're not abiding by the  14 laws and the rules and stuff, you do get fined.  15 So I do just want to add that in there.  16           MR. BAILEY: You've got to put it  17 in the law.  18           CHAIRMAN FOX: Just as a swag, how  19 many elevator inspectors, i.e., repair people, are  20 there in the state of Tennessee?  21           MR. FARMER: 400 is the last -- 400  22 elevator personnel in the state is the last I  23 heard. How many IUEC guys have y'all got, Jason?  24           MR. GREGORY: Jason Gregory, IUEC.  25 Probably 395. Now, that don't include Memphis.</p>
<p style="text-align: right;">Page 80</p> <p>1 That's probably got another 60 or 50. And that's  2 all --  3           MR. FARMER: That's union elevator  4 mechanic's helpers.  5           MR. GREGORY: So I'd say probably  6 add another 120, 100 on there.  7           MR. BAILEY: Do you-all have an  8 apprentice program?  9           MR. GREGORY: We do, sir. You  10 know, moving forward, if there's any assistance  11 you-all need on this, we've got people full-time  12 that do this throughout the country, help with  13 licensing and stuff like that.  14           MR. BAILEY: Is there any  15 continuing legal education required to maintain  16 the license?  17           MR. GREGORY: Well, let me back up.  18 We have people that help states set up their  19 licensing program. We don't maintain their  20 licensing program.  21           MR. BAILEY: Oh, I see.  22           MR. GREGORY: The licenses I have  23 held, yes, I had to have eight hours a year. And  24 the question earlier, you know, what happens if  25 you go to another state, you know, if I was going</p>	<p style="text-align: right;">Page 81</p> <p>1 to a project to stay in Alabama for a short time,  2 that might give me a short window. You know, if  3 you're going to be here for two weeks, we'll let  4 you come this one time and one time only. If  5 you're moving here and you've got a license or if  6 you're going to work here normally, you know, on a  7 routine basis, you've got to have a license here  8 as well.  9           MR. BAILEY: So something I didn't  10 see in the boiler repair is any requirement for  11 continuing. It shows what you have to do to get  12 the license, but I didn't see anything about --  13           MR. FARMER: That's where the  14 Tennessee twist goes on there. It's different in  15 other states.  16           CHAIRMAN FOX: I think we would  17 have to do that. And then to the point, there has  18 to be reciprocity. We can't -- I think we have to  19 allow other folks to come in and work. We can't  20 just say if you're from Kentucky, which -- but if  21 you're from Kentucky, you need to be able to come  22 here to work, even though your basketball team may  23 be questionable.  24           MR. BAILEY: I knew you wasn't  25 going to let it go.</p>

<p style="text-align: right;">Page 82</p> <p>1 CHAIRMAN FOX: It was just cheap 2 and easy. 3 Okay. So -- 4 Sir? 5 MR. GREGORY: I had one other 6 question. Are we talking -- I'm sorry. Are y'all 7 talking about a license for a mechanic and for the 8 companies, or just the mechanic? 9 CHAIRMAN FOX: I would say it's 10 individuals. 11 MR. FARMER: Our immediate thought 12 was going to be company and mechanic and register 13 any apprenticeships -- 14 CHAIRMAN FOX: I stand corrected. 15 MR. FARMER: -- that comes through 16 that needs to be registered. Maybe not license 17 them, but at least have them registered that 18 they're coming up through the ranks. 19 And there is a such a thing as a TM, 20 which is a temporary mechanic. So you have to 21 be -- you're getting into pretty deep stuff. I 22 mean, if this helper could be -- this apprentice 23 could be set up as a mechanic temporarily if 24 work -- there's so much work going on that they 25 need them to. So I know other states that have</p>	<p style="text-align: right;">Page 83</p> <p>1 temporary licenses for temporary mechanics. You 2 can have license for mechanics and then you have 3 companies that are licensed also. 4 MR. BAILEY: Well, if we ever have 5 legislation to present, I mean, it could be 6 drafted in such a way that certainly the 7 individual would have to licensed. But an 8 employer that employs a bunch of elevator 9 mechanics, there could be a provision that, you 10 know, would -- it could be a fine if they were to 11 allow an unlicensed elevator mechanic to work on 12 elevators, if we were to find that out, and that 13 would be a fine on the employer and not 14 necessarily the individual mechanic. So it's just 15 food for thought. 16 MR. LaPORTE: I was going to say 17 other states, the common practice is it's not just 18 the individuals. There's a contractor's license 19 for each company, too. Because you can get into a 20 situation where you have an unlicensed contractor 21 directing licensed employees to do something that 22 they shouldn't be doing, and then you can't hold 23 them accountable, so it's a very important piece 24 of it. 25 CHAIRMAN FOX: But at the base --</p>
<p style="text-align: right;">Page 84</p> <p>1 you always look at the bottom line. The bottom 2 line is that person should be held accountable, at 3 the very least. 4 So anyway, great discussion. What is 5 the pleasure of the Board? What would you--all 6 recommend, that we proceed further with this and 7 if so, is this something we need to hold a 8 workshop on and try to put together the rules? 9 (No verbal response.) 10 CHAIRMAN FOX: I'm asking. 11 MS. O'CONNOR: I would think so. 12 CHAIRMAN FOX: Are y'all willing -- 13 MR. HALE: Actually, put together a 14 law change -- 15 MR. BAILEY: Proposed legislation. 16 MS. O'CONNOR: But I was thinking 17 before we put together a law change, we need to 18 get together a workshop, I would think. 19 CHAIRMAN FOX: Absolutely. 20 MR. FARMER: I'll do research over 21 the next week and send out what I can. I'll 22 probably pick five random states that are close to 23 us and see what they do, as long as they have a 24 license. And maybe we can just get a copy of 25 their law and rules and send it out to everyone</p>	<p style="text-align: right;">Page 85</p> <p>1 here just to look over it and see what you think. 2 And then you--all can bump your heads together and 3 see what you come up with. 4 CHAIRMAN FOX: Just a question of 5 process. So if we have a workshop and we want to 6 get this on next year's legislation, what's the 7 drop-dead dates that we need to meet? 8 MR. BAILEY: I'm not really the one 9 to answer that. First of all, we're under new 10 administration so, I don't know, the drop-dead 11 dates may have moved a little bit. But I think it 12 has been around August, hasn't it? 13 MS. JEFFERSON: Around August is 14 when we generally -- 15 MR. BAILEY: Usually, it was -- 16 MR. RADER: So if we had a workshop 17 and then we meet again in June, then we would be 18 good. 19 MR. BAILEY: If it's still August. 20 Do you know that? 21 MR. MCCORD: No, I don't know that. 22 But probably, if it's been August, we should 23 assume it's August. Jeff McCord. 24 MR. FARMER: It seems way too 25 logical.</p>

<p style="text-align: right;">Page 86</p> <p>1 CHAIRMAN FOX: I'm sorry?</p> <p>2 MR. FARMER: I said it seems way</p> <p>3 too logical.</p> <p>4 CHAIRMAN FOX: There you go.</p> <p>5 Okay. So do I have a motion --</p> <p>6 MS. O'CONNOR: So moved.</p> <p>7 CHAIRMAN FOX: -- to hold a</p> <p>8 workshop that we can all agree to, or a date and</p> <p>9 time we can agree to, to explore the possibility</p> <p>10 of implementing licensing certification for</p> <p>11 elevator mechanics and their companies?</p> <p>12 Is that fair?</p> <p>13 MS. O'CONNOR: Yes.</p> <p>14 CHAIRMAN FOX: Okay. And then we</p> <p>15 can move forward. And we can clean that up as we</p> <p>16 need to.</p> <p>17 All right. So do I have a motion?</p> <p>18 MS. O'CONNOR: Yes.</p> <p>19 CHAIRMAN FOX: We have a motion.</p> <p>20 MR. HALE: I'll make the second.</p> <p>21 CHAIRMAN FOX: All right.</p> <p>22 Any further discussion?</p> <p>23 MR. HALE: I anticipate that the</p> <p>24 amusement device subcommittee will have some</p> <p>25 things ready for a work session as well. Would it</p>	<p style="text-align: right;">Page 87</p> <p>1 be too cumbersome to do both of those things in</p> <p>2 one work session, or do we believe that we could</p> <p>3 cover it all in one?</p> <p>4 MR. MOORE: I really don't foresee</p> <p>5 us covering both in one, just simply because</p> <p>6 there's so many pieces.</p> <p>7 MR. HALE: Too much information to</p> <p>8 handle in one day.</p> <p>9 MR. MOORE: Yeah.</p> <p>10 CHAIRMAN FOX: Okay. Any further</p> <p>11 discussion?</p> <p>12 (No verbal response.)</p> <p>13 CHAIRMAN FOX: Hearing none, all in</p> <p>14 favor of the motion, let it be known by saying</p> <p>15 "aye."</p> <p>16 (Affirmative response.)</p> <p>17 CHAIRMAN FOX: All opposed, like</p> <p>18 sign.</p> <p>19 (No verbal response.)</p> <p>20 CHAIRMAN FOX: Motion carries.</p> <p>21 So since you brought that up, is</p> <p>22 there an interest in having the amusement device</p> <p>23 group, or all of us, to hold an additional</p> <p>24 workshop to work through the other issues that we</p> <p>25 have discussed on the amusement device portion?</p>
<p style="text-align: right;">Page 88</p> <p>1 MR. HALE: So moved.</p> <p>2 MR. HARDY: Chairman, I think it</p> <p>3 would be beneficial. I mean, we've accomplished</p> <p>4 some on the phone already. But I think at some</p> <p>5 point in time, and I really don't know the timing</p> <p>6 and logistics of it all, but I've mentioned to Dan</p> <p>7 that we'll have to -- Dan will have to come in and</p> <p>8 kind of lead us where we're going astray kind of</p> <p>9 thing. So I think it would be a worthwhile</p> <p>10 opportunity for us to get together.</p> <p>11 CHAIRMAN FOX: Is there a second?</p> <p>12 MS. O'CONNOR: Seconded.</p> <p>13 CHAIRMAN FOX: We have a second.</p> <p>14 Okay. Any discussion?</p> <p>15 (No verbal response.)</p> <p>16 CHAIRMAN FOX: Hearing none, all in</p> <p>17 favor of the motion, let it be known by saying</p> <p>18 "aye."</p> <p>19 (Affirmative response.)</p> <p>20 CHAIRMAN FOX: All opposed, like</p> <p>21 sign.</p> <p>22 (No verbal response.)</p> <p>23 CHAIRMAN FOX: Motion carries.</p> <p>24 Now, we'll have to figure out that</p> <p>25 date and -- along with -- well, we'll have to work</p>	<p style="text-align: right;">Page 89</p> <p>1 through you-all to make that happen.</p> <p>2 MS. JEFFERSON: That's fine.</p> <p>3 CHAIRMAN FOX: Because I'm sure</p> <p>4 you-all are busy between now and the end of the</p> <p>5 budget.</p> <p>6 Okay. Moving right along. The</p> <p>7 schedule meeting dates for 2019, Tuesday, June the</p> <p>8 4th; Tuesday, September the 24th; Wednesday,</p> <p>9 December the 4th. Those are the days that have</p> <p>10 been agreed upon.</p> <p>11 Next item for discussion would be the</p> <p>12 division updates on Jurisdiction Online for the</p> <p>13 following program.</p> <p>14 Young lady, would you please come</p> <p>15 forward, and name, address, and phone number,</p> <p>16 please.</p> <p>17 MS. BARNETT: Doris Barnett. And</p> <p>18 do you want my work address or my home address?</p> <p>19 (No verbal response.)</p> <p>20 MS. BARNETT: Either one is fine.</p> <p>21 2121 Paula Drive, Madison, Tennessee 37115. Phone</p> <p>22 number, the area code is (864) 525-7897.</p> <p>23 And I am the executive administrative</p> <p>24 assistant, working with Kim Jefferson, for the</p> <p>25 Workplace Regulations Compliance Group. I focus</p>

<p style="text-align: right;">Page 90</p> <p>1 on the Boilers, Elevators, and Amusement Device 2 groups. And my current project that I'm handling 3 is the Jurisdiction Online process.</p> <p>4           As the Board has been made aware of 5 previously, we made the Elevator Unit portion live 6 last June. So all of the elevator inspections, we 7 processed through the Jurisdiction Online system. 8 We did the same for our amusement devices December 9 the 5th. So they've been live for three months 10 now.</p> <p>11           What we have for you today is a 12 little bit of information of what we've done, some 13 quality assurance checking, just to make sure we 14 have -- that we're following the path that -- our 15 SOPs for both systems.</p> <p>16           My role includes the quality 17 assurance checking. And since we started entering 18 inspections and generating invoices for elevators 19 and generating the permits for the amusement 20 devices, we've had good progress moving forward, 21 making sure that we're trying to meet and exceed 22 the requirements to make sure that we close audit 23 issues that we've had.</p> <p>24           Chris has already given accounts for 25 the elevators. I don't think I need to repeat</p>	<p style="text-align: right;">Page 91</p> <p>1 those. I will say that through Jurisdiction 2 Online, I've been tracking the delinquent 3 inspections. And we currently have over 730 days 4 past due, but we are missing an inspector. So 5 that makes it difficult to keep up when we're 6 missing an inspector.</p> <p>7           We have over 700, but with 15,000 8 active elevators -- I did the math -- that's less 9 than one-half of 1 percent that are past due for 10 the inspection. So that's not too bad, in my 11 opinion.</p> <p>12           The Jurisdiction Online system also 13 gives us a good view of open code violations. 14 We're tracking those. I don't remember the exact 15 number, when Jurisdiction when live, what our 16 actual code violations were. But our current 17 count is 68. I didn't even consider doing the 18 math on that. I figured it was too low to even 19 register on our percentage bar.</p> <p>20           But most of those are non-certificate 21 blocking, which means they can actively use those 22 elevators, even though they have code violations. 23 Now I'll have to ask Chris to tell us what a cert 24 blocking, as opposed to a non-cert blocking, would 25 be. Of those 68, there are 26 opened in the last</p>
<p style="text-align: right;">Page 92</p> <p>1 90 days, so they're actively being worked. All 2 but 4 of those were opened in 2019. So they were 3 very new.</p> <p>4           One of the things that I've been 5 excited about is that invoices can be emailed and 6 paid online. I know that we want to make sure 7 that Amusement Device does that. We've already 8 spoke to that a little bit earlier.</p> <p>9           Again, for amusement devices, Mike 10 has already given the report on the counts for the 11 devices and permits. I do have a list that is 12 available through TN.gov, which shows the 13 compliant and noncompliant companies. There are 14 nine companies that have been referred to local 15 authorities for not being compliant with the law, 16 as far as getting permits to operate in Tennessee. 17 We have 27 companies who are in the process of 18 getting a permit. We're pending completion of the 19 paperwork for those. And these companies are not 20 considered noncompliant, because they are working 21 to get compliant.</p> <p>22           JO uses this report as well, which 23 we're able post online. And I have copies, if 24 anybody would like to see that. But some of the 25 noncompliers on that list date back to 2015,</p>	<p style="text-align: right;">Page 93</p> <p>1 clear up to -- the most recent was last month.</p> <p>2           Not all the companies that we issue 3 permits for are actually living in Tennessee. 4 They're not based in Tennessee. But they do apply 5 here, so they have to be permitted. And I see 6 nods across the board so we know that's true.</p> <p>7           Again, I'm reviewing the files to 8 ensure that the Unit is following the SOP and to 9 make sure that we have all the information, that 10 we know who is being compliant and what they've 11 done to get compliant. And if there's a lack of 12 any particular piece of paper, like an insurance 13 form or something, that's noted in the forms and 14 the folders.</p> <p>15           And I think that's everything I had.</p> <p>16           CHAIRMAN FOX: Okay. Any questions 17 from the Board? Comments?</p> <p>18           The -- and I don't know who has the 19 answer here. The people who have been referred to 20 the attorney general, have we heard any resolution 21 to that?</p> <p>22           MS. JEFFERSON: Well, actually, 23 what happens is that they're referred to the local 24 authorities.</p> <p>25           CHAIRMAN FOX: Okay.</p>

<p style="text-align: right;">Page 94</p> <p>1 MS. JEFFERSON: And we refer to the 2 Sheriff's office. We copy the District Attorney's 3 office because the law references it as a Class C 4 misdemeanor. And we also copy the Attorney 5 General's Office because there's injunctive relief 6 also cited in the law. Once we refer them, then 7 our job is done.</p> <p>8 We just have to make sure that we 9 exhaust our administrative remedies, and that's by 10 getting it to the local authorities. Sometimes 11 the local authorities do contact us. In fact, I 12 was called earlier this week by the Sheriff's 13 office on one of those cases. Sometimes, the 14 customer, upon receiving that letter, the 15 Sheriff's office will contact them to follow up. 16 It just depends on the territory, the 17 jurisdiction. It just depends.</p> <p>18 But for the most part, once we refer 19 them, our job is done unless they contact us. And 20 if they contact us, at that point, we can assist 21 them to obtain a permit.</p> <p>22 MS. BARNETT: I believe that has 23 actually occurred in the past.</p> <p>24 CHAIRMAN FOX: So have we 25 charged -- I guess my -- your A.G. and mine are</p>	<p style="text-align: right;">Page 95</p> <p>1 different. The District Attorney General is in 2 the various districts throughout the state. We 3 send them information. And do you know if they've 4 sought an indictment against anyone?</p> <p>5 MS. JEFFERSON: Generally, they 6 don't because, it's been my experience, they have 7 other cases to work on, the murders and those 8 other cases.</p> <p>9 CHAIRMAN FOX: A little more 10 important.</p> <p>11 MS. JEFFERSON: And they don't 12 really focus on these type cases, so we rely on 13 the local authorities. The Sheriffs' offices, 14 they've been really cooperative, for the most 15 part, and they have returned our telephone calls. 16 They followed up and they've assisted us in the 17 event that we needed further assistance with that 18 particular customer.</p> <p>19 CHAIRMAN FOX: Okay.</p> <p>20 MR. HARDY: Chairman, we've had one 21 case to go to court, and the company was fined 22 plus court costs for operating without a permit.</p> <p>23 MR. BAILEY: And in that case, did 24 you have to go testify, or somebody from -- 25 MR. HARDY: I did not. Kevin</p>
<p style="text-align: right;">Page 96</p> <p>1 Klutz, our compliance officer in West Tennessee 2 was there.</p> <p>3 MR. BAILEY: Just so you know, a 4 Class C misdemeanor is a \$50 fine, so it's not 5 high on the District Attorney General's list.</p> <p>6 CHAIRMAN FOX: I would agree.</p> <p>7 MR. POPE: Can they continue to 8 operate if they're under that?</p> <p>9 MS. JEFFERSON: They receive a 10 cease and desist notice. We can't go and lock 11 their business up. I mean, that's not in the law 12 for us to do. Like I said, the Attorney General's 13 office has injunctive authority, so we work with 14 them. If they can -- I think they're pretty much 15 in the same position as the District Attorney's 16 office. They just have a few more cases that are 17 more pending and more important for them.</p> <p>18 MR. BAILEY: Has the A.G. sought an 19 injunction at all?</p> <p>20 MS. JEFFERSON: They haven't. So 21 far we haven't had one.</p> <p>22 MR. BAILEY: I know when I was 23 working in employment security many years ago, we 24 would get injunctions on businesses that had not 25 paid their unemployment premium, and we would</p>	<p style="text-align: right;">Page 97</p> <p>1 actually shut them down, so...</p> <p>2 I was the staff attorney at that 3 time. I don't know how all that worked. I'm 4 assuming the A.G.'s office got it for us. But, 5 you know, that's when you get their attention when 6 they can't do business.</p> <p>7 CHAIRMAN FOX: Okay. Anything else 8 from the Board?</p> <p>9 (No verbal response.)</p> <p>10 CHAIRMAN FOX: Okay. The 11 announcement of the next meeting, Number 11. The 12 next regularly scheduled meeting of the Elevator 13 and Amusement Device Safety Board will be held at 14 9:00 a.m. Central Standard on Tuesday, June 4th, 15 at the State of Tennessee Department of Labor and 16 Workforce Development building located at 220 17 French Landing Drive, Nashville, Tennessee.</p> <p>18 Again, Mr. Farmer, we're going to 19 miss you and we wish you the very best.</p> <p>20 MR. FARMER: Thank you.</p> <p>21 CHAIRMAN FOX: If we can help you, 22 let us know. And trust me, if you can help us, 23 we'll let you know.</p> <p>24 MR. FARMER: I'll be at the next 25 board meeting harassing you from a different</p>

1 angle.

2 CHAIRMAN FOX: That's all right.  
 3 Do I have a motion for adjournment?  
 4 MR. RADER: So moved.  
 5 MR. POPE: Second.  
 6 CHAIRMAN FOX: We are adjourned.  
 7 END OF THE PROCEEDINGS.

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C E R T I F I C A T E

1 STATE OF TENNESSEE )  
 2 COUNTY OF WILLIAMSON )  
 3 I, Cassandra M. Beiling, a Notary Public  
 4 in the State of Tennessee, do hereby certify:  
 5 That the within is a true and accurate  
 6 transcript of the proceedings taken before the  
 7 Elevator and Amusement Device Safety Board and the  
 8 Chief Inspector or the Chief Inspector's Designee,  
 9 Tennessee Department of Labor and Workforce  
 10 Development, Division of Workplace Regulations and  
 11 Compliance, Elevator and Amusement Device Unit, on  
 12 the 5th day of March, 2019.

13 I further certify that I am not related to  
 14 any of the parties to this action, by blood or  
 15 marriage, and that I am in no way interested in  
 16 the outcome of this matter.

17 IN WITNESS WHEREOF, I have hereunto set my  
 18 hand this 1st day of May, 2019.

19  
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 21  
 22  
 23  
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*Cassandra M. Beiling*

Cassandra M. Beiling, CCR, LCR# 371  
 Notary Public State at Large  
 My commission expires: 3/15/2020

<hr/> <b>\$</b> <hr/>	<b>1996</b> 23:16	<b>30s</b> 48:8	<b>68</b> 91:17,25
<b>\$10,000</b> 74:23	<b>1999</b> 25:8	<b>37115</b> 89:21	<b>68-121-103(e)</b> 43:5
<b>\$50</b> 96:4	<hr/> <b>2</b> <hr/>	<b>37204</b> 60:14	<hr/> <b>7</b> <hr/>
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<b>08</b> 25:18,19,21	<b>2,486</b> 14:7	<b>390</b> 12:20	<b>70</b> 13:7,13 52:1,10
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